

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION AGENDA**

Vern Halter, Mayor

PLANNING COMMISSION

VACANT, District 1

Thomas Healy, District 2

John Klapperich, Chair, District 3

Bruce Walden, District 4

William Kendig, District 5

Tomas Adams, District 6

Vern Rauchenstein, District 7



John Moosey, Borough Manager

PLANNING & LAND USE

DEPARTMENT

Eileen Probasco, Director of Planning & Land Use

Lauren Driscoll, Planning Services Chief

Alex Strawn, Development Services Manager

Paul Hulbert, Platting Officer

Mary Brodigan, Planning Clerk

*Assembly Chambers of the
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer*

**January 4, 2016
REGULAR MEETING
6:00 p.m.**

- I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PLEDGE OF ALLEGIANCE
- IV. CONSENT AGENDA

Items on the consent agenda are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

 - A. MINUTES
 - B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS
 - 1. **Resolution 16-02**, A resolution approving a variance to allow an existing single-family residence, to remain set back 14.6 feet from a section line easement on the west side of the lot, on Block 2, lot 9, End of the Rainbow Subdivision; 420 S. Robin Circle, within Township 17 North, Range 2 West, Section 9, Seward Meridian. Public Hearing: January 18, 2018. (Staff: Susan Lee, Applicant: Neal and Brenda Bullock)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

1. **Resolution 16-01**, A resolution recommending the Assembly approval of Ordinance Serial Number 16-003 Amending MSB 17.60 to include Permit Requirements and Standards for Marijuana Related Facilities, and Repealing Inapplicable Definitions. Referred to the Planning Commission on December 15, 2015, for 45 days. Public Hearing: January 18, 2016. (*Staff: Alex Strawn*)

V. COMMITTEE REPORTS

VI. AGENCY/STAFF REPORTS

VII. LAND USE CLASSIFICATIONS

- A. **Resolution 16-04**, A resolution recommending the Assembly classify a Borough-owned Parcel, Tax ID 16N04W36D005, located in the Point MacKenzie community, containing 17.7 acres, as Reserved Use Lands for a future park, library, and community center. (MSB007127) (*Staff: Emerson Krueger*)

VIII. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*Public Hearings shall not begin before 6:15 p.m.*)

Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

The Planning Commission members may submit questions to the Planning Commission Clerk concerning the following matters or request for more information from the applicant at the time of the introduction. All questions and requests submitted by the Commission shall be in writing and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing.

X. PUBLIC HEARING: LEGISLATIVE MATTERS

- A. **Resolution 16-03**, A resolution recommending Assembly approval of proposed amendments to Title 43, Subdivisions, to address inconsistencies outlined in the Planning Department staff memorandum dated March 1, 2013. (*Staff: Eileen Probasco*)

XI. CORRESPONDENCE & INFORMATION

- A. Planning Division Newsletter

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

- A. Planning Commission Election of Chair and Vice Chair
- B. Upcoming Planning Commission Agenda Items (*Staff: Eileen Probasco*)

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT (Mandatory Midnight)

In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for definition of "Interested Party." The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, which is available on the Borough Internet home page, <http://www.matsugov.us>, in the Borough Clerk's office, or at various libraries within the Borough.

**INTRODUCTION FOR PUBLIC HEARING
QUASI-JUDICIAL**

Resolution No. 16-02

**End of the Rainbow Variance
420 S. Robin Circle, Wasilla**

(Page 5 - 32)

INTRODUCTION FOR PUBLIC HEARING

Setback Variance Request – End-of-the-Rainbow Subdivision, Block 2, Lot 9

A variance application has been submitted to allow an existing single-family residence to remain set back 14.6 feet from a section line easement on the west side of the lot.

Location:

The subject property is Block 2, Lot 9, End-of-the Rainbow Subdivision; 420 S. Robin Circle; within Township 17 North, Range 2 West, Section 9, Seward Meridian.

Applicant:

Neal & Brenda Bullock

Agent:

Alaska Rim Engineering, Inc.

Public Hearing:

The Planning Commission will conduct a public hearing concerning this application on Monday, January 18, 2016 in the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer.

The application material may be reviewed in the Borough Permit Center. Application material may also be reviewed online at www.matsugov.us and clicking on 'Public Notices'. If you have questions or want to submit comments please contact Susan Lee, Planner II, at 861-7862 or e-mail: slee@matsugov.us. Comments may also be faxed to 861-7876 or mailed to the MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. Comments received prior to December 28, 2015 will be included in the Planning Commission packet for the Commissioner's review and information. Comments received after that date will not be included in the staff report to the Planning Commission.

This Page Intentionally Left Blank



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-7876

Email: PermitCenter@matsugov.us

MEMORANDUM

DATE: November 17, 2015

FROM: Susan Lee, Planner II *Susan*

SUBJECT: REQUEST FOR REVIEW AND COMMENTS

PROJECT: **Setback Variance**

TAX ACCOUNT# End-of-the-Rainbow Subdivision (6103B02L009) TAX MAP: HO10

LOCATION: Township 17 North, Range 2 West, Section 9, Seward Meridian

APPLICANT: Neal & Brenda Bullock

A variance application under MSB 17.65 - Variances, has been submitted to allow an existing single-family residence to remain set back 14.6 feet from a section line easement on the west side of the lot. The Planning Commission will conduct a public hearing on this request on January 18, 2016. If we do not receive comments from you we will assume you have no objections to this request.

Distribution:

- | | |
|--|--|
| <input type="checkbox"/> Borough Manager (info only) | <input type="checkbox"/> Pre-Design Division |
| <input type="checkbox"/> Collections | <input type="checkbox"/> Community Development |
| <input type="checkbox"/> Assessment | <input type="checkbox"/> Public Works Director |
| <input type="checkbox"/> Planning Division | <input type="checkbox"/> Right-of-Way Coordinator |
| <input type="checkbox"/> Environmental Planning | <input type="checkbox"/> Emergency Services Director |
| <input type="checkbox"/> Platting Division | <input type="checkbox"/> Code Compliance |
| | <input type="checkbox"/> Cultural Resources |

Comments: Return written comments by **December 28, 2015**. Thank you for your review.



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-7876

Email: PermitCenter@matsugov.us

Matanuska - Susitna Borough
Development Services

OCT 21 2015

APPLICATION FOR A VARIANCE – MSB 17.65

Received

Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Incomplete applications will not be processed.

Application fee must be attached:

\$1,000 for Variance

Prior to the public hearing, the applicant must also pay the mailing and advertising fees associated with the application. Applicants will be provided with a statement of advertising and mailing charges. Payment must be made prior to the application presentation before the Borough Planning Commission.

Subject Property Township: 17N, Range: 2W, Section: 9, Meridian S

MSB Tax Acct # 56103B02L009

SUBDIVISION: End of the Rainbow BLOCK(S): 2, LOT(S): 9

STREET ADDRESS: 420 S. Robin Circle Wasilla, AK 99629

(US Survey, Aliquot Part, Lat. /Long. etc) SW1/4NW1/4 Section 9

Ownership A written authorization by the owner must be attached for an agent or contact person, if the owner is using one for the application. Is authorization attached? Yes No N/A

Name of Property Owner

Neal and Brenda Bullock

Address: P.O. 298367

Wasilla, AK 99629-8367

Phone: Hm 232-9723 Fax _____

Wk _____ Cell _____

E-mail brendab1975@gmail.com

Name of Agent/ Contact for application

Alaska Rim Eng., Inc.

Address: 9131 E. Frontage Road

Palmer AK 99645

Phone: Hm 745-0222 Fax _____

Wk _____ Cell _____

E-mail Joy@alaskarim.com

Description	Attached
A variance from MSB 17.55.010s being applied for and is specifically described.	X
Provide a detailed written description as to why the variance is required.	X

Drawings	Attached
A boundary survey and site plan of the proposed and/or existing development, of the particular parcel or parcels affected. (See attached survey standards checklist). The survey must be submitted under the seal of an Alaska registered professional land surveyor.	X
Structural elevation drawing(s) for the purpose of indicating the proposed height and bulk, view and other dimensions of the subject structure.	X

In order to grant a variance from MSB Title 17, the Planning Commission must find that each of the following requirements has been met (17.65.020). Explain how the request meets each requirement. Include information such as physical surroundings, shape or topographical conditions of the property which would support the granting of a variance.	Attached
1. What unusual conditions or circumstances apply to the property for which the variance is sought?	X
2. How the strict application of the provisions of this title will deprive you of the rights commonly enjoyed by other properties under the terms of this title.	X
3. Why the granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.	X
4. How will the granting of the variance be in harmony with the objectives of this title and any applicable comprehensive plans?	X
5. How the deviation from the requirements of this title as permitted by the variance will be no more than is necessary to permit a reasonable use of the property.	X

A variance may <u>not</u> be granted if any of the conditions listed below are true. Explain why each condition is <u>not</u> applicable to this application.	Attached
1. The special conditions that require the variance are caused by the person seeking the variance.	X
2. The variance will permit a land use in a district in which that use is prohibited.	X
3. The variance is sought solely to relieve pecuniary hardship or inconvenience.	X

OWNER'S STATEMENT: I am owner of the following property:

MSB Tax parcel ID #(s) 6103B02L009 and, I hereby apply for approval a setback variance on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.55 and MSB 17.65 and with all other applicable borough, state or federal laws.

I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorization may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.

I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

I understand that this permit and zoning status may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to the buyer when I sell the land.

I understand that changes from the approved variance may require further authorization by the Borough Planning Commission. I understand that failure to provide applicable documentation of compliance with approved requirements, or violation of such requirements will nullify legal status, and may result in penalties.

I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, at other times necessary to monitor compliance.

The information submitted in this application is accurate and complete to the best of my knowledge.

<i>Neal W. Bullock</i>	<i>NEAL W. BULLOCK</i>	<i>9-14-2015</i>
<i>Brenda J. Bullock</i>	<i>Brenda J. Bullock</i>	<i>9-14-2015</i>
Signature: Property Owner	Printed Name	Date
<i>Jay Cypra</i>	<i>Jay Cypra, Planning Manager</i>	<i>10-19-15</i>
Signature: Agent	Printed Name	Date

This Page Intentionally Left Blank



Property: MSB TAX ACCT. # 56103B02L009
 SUBDIVISION: End Of The Rainbow Plat No. 70-23, Block 2, Lot 9
 STREET ADDRESS: 420 S. Robin Circle, Wasilla AK 99629

Description:

1. *A variance from MSB 17.55.010 is being applied for and is specifically described.*
 This variance is being applied for under Title 17.55.010 SETBACKS to resolve the 25 foot building setback to a public right-of-way. The 25' setback is to an unconstructed and un-platted section line easement and where there are extreme topographic conditions.

2. *Provide a detailed written description as to why the variance is required.*
 The parcel known as Lot 9, Block 2, of the End of the Rainbow Subdivision was created by the 1970's subdivision plat which was deficient in depicting the section line easement along the west boundary of the parcel. This 1970's subdivision created parcels which had little to no buildable area. Consequently in 2005 a residential building was constructed on this parcel in the only buildable area suitable for construction. This buildable area put the building within 25 feet of an un-platted section line easement. Please see the attached as-built survey that shows the building in relationship to the west boundary and the topographic conditions of this parcel.
 Research performed by Alaska Rim Engineering revealed that there is a 33 foot section line easement running along the west boundary of the W1/2NW1/4 and the NW1/4SW1/4 which is inclusive of the End of The Rainbow Subdivision. The End of the Rainbow Subdivision did not show this section line easement along the west boundary and was therefore deficient. Instead, the 1970's plat created a 10 foot utility easement along the west boundary of Lot 9. The knowledge of the section line easement was not known at the time this lot was being developed and just became known during the process of combining Lots 8 and 9, and to create a utility parcel on this property. Please see the attached End of the Rainbow Subdivision Plat.

In order to grant a variance from MSB Title 17, the Planning Commission must find that each of the following requirements has been met (17.65.020).

Explain how the request meets each requirement. Include information such as physical surroundings, shape or topographical conditions of the property which would support the granting of a variance.

1. *What unusual conditions or circumstances apply to the property for which the variance is sought?*

There are two unusual conditions that apply to this property for which the variance is sought. The first is the extreme topographic conditions on this parcel. This property consists of a narrow ridge which runs from the Robin Circle cul-de-sac, located at the northeast corner of Lot 9. From this cul-de-sac there is a narrow ridge that runs west along the north boundary of Lot 9 and then southwest toward the southwesterly corner of



the lot. This narrow ridge is barely 40 feet in width, with the widest portion being located in the southwest portion of Lot 9. The top of the ridge had to be widened and cut down in order to get the driveway and a constructible building site. Other than the top of the ridge, there is no other flat ground that could be accessed and constructed. The average grade from the top of the ridge to the lower portion of the lot is 60%. The unusual circumstances that applies to this property is the fact that this property was created by the 1970's End of the Rainbow Subdivision plat which was created before there were regulations for lots to have usable building and septic areas on them. Secondly, the unusual circumstances, as noted above, is the fact that the 1970's End of the Rainbow Subdivision plat was deficient in showing the 33 foot section line easement along the west boundary of this parcel but instead created a 10 foot wide utility easement.

2. *How the strict application of the provision of this title will deprive you of the rights commonly enjoyed by other properties under the terms of this title.*

The strict application of the 25 foot building setback to a section line easement that had not been delineated on the subdivision plat and where there is little to no buildable area on said lot will virtually deprive this existing parcel the right to ever be developed properly.

The strict application of the 25 foot building line setback to an easement that was created by regulations and not by design or constructability will greatly diminish the limited useable area on this parcel.

The section line easement in this location has not been constructed and is not constructible for road construction due to the extremely steep grades. Therefore there is an undue burden placed upon this lot by the strict application of the 25 foot building setback to this un-constructible section line easement.

3. *Why the granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.*

The 25 foot building setback ensures that the public rights-of-way have adequate room for snow storage and maintenance. The granting of the variance to allow this building to be closer than 25 feet to a section line easement, where the section line easement is not constructed and cannot be developed for road construction due to the steepness of the grades, would in no way be injurious to nearby property, nor harmful to the public welfare.

4. *How will the granting of the variance be in harmony with the objectives of this title and any applicable comprehensive plan?*

The granting of the variance would allow for a residential use of this lot that was created before the current regulations applied.

The section line easement in this located is not suitable for road construction and therefore the objectives of this title would not be in jeopardy with the reduction of the building setback.



<p>Furthermore, section line easements can be used for utility purposes and the section line easement on the west side of the section line does have an overhead power line constructed within it. An easement for the sole purpose of utility installation would not have a building setback to it.</p> <p>There is a platted 10 foot wide utility easement on the west side of Lot 9 and the utility pole is located within this easement.</p>
<p>5. <i>How the deviation from the requirements of this title as permitted by the variance will be no more than is necessary to permit a reasonable use of the property.</i></p> <p>The variance will reduce the building setback for the residential dwelling with attached decks as show on the attached non-conforming as-built. There is also an existing 8'x10' shed in this area and it will be removed from the 25' building setback to another location on the property.</p> <p>The septic system extends into the section line easement. This improvement is below ground and we will submit for an encroachment permit under a separate title to address this septic system. There is not a setback requirement for the septic systems to the section line easement.</p>
<p>A variance may not be granted if any of the conditions listed below are true. Explain why each condition is not applicable to this application.</p>
<p>1. <i>The special conditions that require the variance are caused by person seeking the variance.</i></p> <p>The special condition for this property which requires the variance is the deficiencies of the old 1970's subdivision plat that did not create lots that had enough developable area and which did not depict the section line easement along the western boundary of the parcel.</p>
<p>2. <i>The variance will permit a land use in a district in which that use is prohibited.</i></p> <p>The Variance will not be permitting a land use in a district in which that use is prohibited.</p>
<p>3. <i>The variance is sought solely to relieve pecuniary hardship or inconvenience.</i></p> <p>The variance is sought to reduce the building setback to a residential building on a subdivided parcel where the section line easement was not depicted and where there is very limited area to construct.</p>

Respectfully Submitted,
ALASKA RIM ENGINEERING, INC.

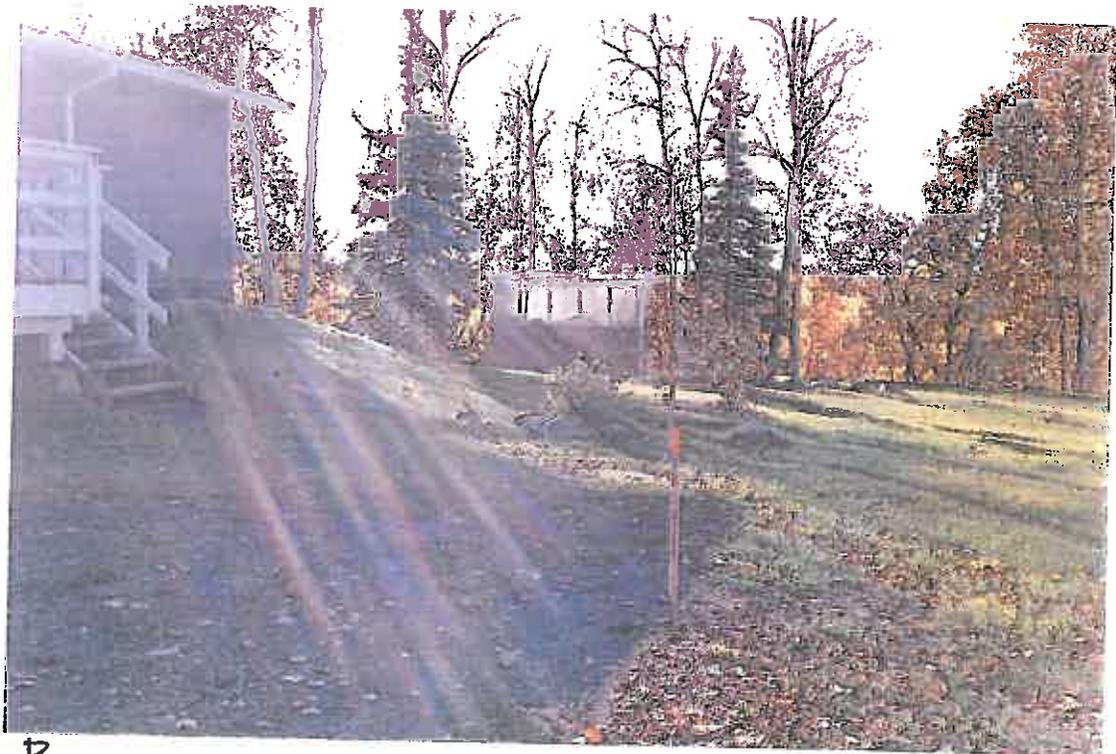
Joy Cypra,
Platting Manager
AK. Rim W.O. 15-0000349

Alaska Rim Engineering, Inc.
Engineers...Planners...Surveyors

This Page Intentionally Left Blank



A



B



C

Section Line Easement
W1/2NW1/4, NW1/4SW1/4 Section 9, T17N, R2W, S.M., Alaska

Also inclusive of the End of the Rainbow Subdivision Plat No. 70-23

Case Facts:

1. Rectangular survey approved January 15, 1915 in Juneau, Alaska by the Surveyor General.
2. Application for 256301 Headquarters Site filed at Bureau of Land Management on April 1, 1955.
3. Patent No. 1195075 issued to Lemuel Jerome Smith, Jr. on April 21, 1959.

Discussion:

An offer of easement was enacted by the Federal Mining Law of 1866 on unreserved unappropriated public lands.

The offer was deemed accepted on April 6, 1923 and provided for a tract 66 feet wide between each section of land in the Territory of Alaska for use as public highways.

The above reflects the position of the State of Alaska through the 1969 opinion of the Attorney General, Opinion No. 7, dated December 19, 1969.

Conclusion:

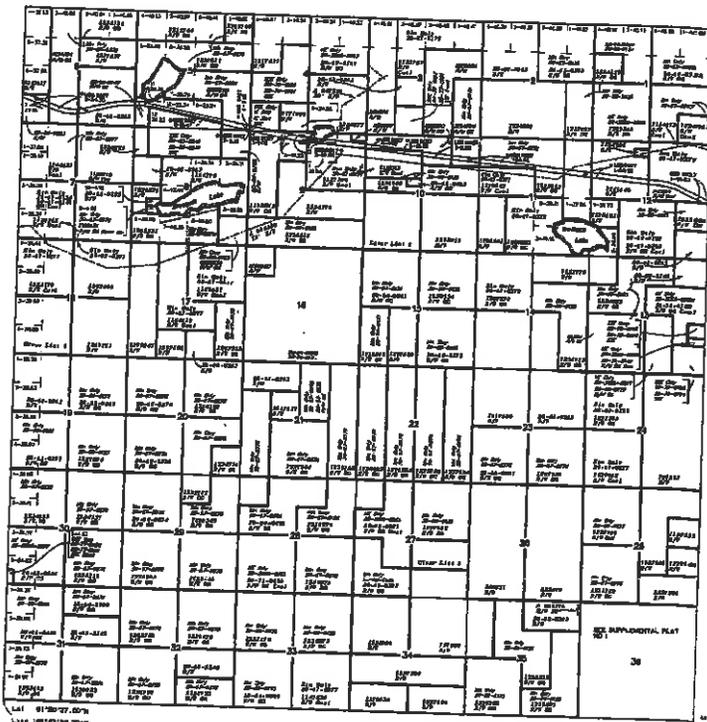
There is an easement 33 foot wide lying coincident with the west boundary of the W1/2NW1/4, NW1/4SW1/4 Section 9, T17N, R2W, Seward Meridian, Alaska.

Caveat:

The above information was completed to verify the existence, or nonexistence, of section line easements affecting this property.

The conclusion is based upon the facts as related to the Attorney General's Opinion No. 7 only. This report was performed without the benefit of a title report and does not purport to verify the existence of additional easements which may exist on said parcels.

SURVEYED TOWNSHIP 17 NORTH RANGE 2 WEST OF THE SEWARD MERIDIAN, ALASKA



STATE OF ALASKA
LAND AND MINERAL TITLE

MTP

FOR OTHER SYSTEMS DESIGN BY USE OF AN
SERVICE LINES THROUGH THE CLASSIFICATION
MATERIAL AND ALSO SHOW BOUNDARY POINTS
REFER TO BOOK OF MEASUREMENTS INDICATED

ALL D. PROVISIONS APPLY TO THE 1920/1921
MTP

TO BE USED FOR LAND USE PLANNING
PURPOSES

ALL D. PROVISIONS APPLY TO THE 1920/1921
MTP

TO BE USED FOR LAND USE PLANNING
PURPOSES

ALL D. PROVISIONS APPLY TO THE 1920/1921
MTP

TO BE USED FOR LAND USE PLANNING
PURPOSES

ALL D. PROVISIONS APPLY TO THE 1920/1921
MTP

TO BE USED FOR LAND USE PLANNING
PURPOSES

ALL D. PROVISIONS APPLY TO THE 1920/1921
MTP

TO BE USED FOR LAND USE PLANNING
PURPOSES

ALL D. PROVISIONS APPLY TO THE 1920/1921
MTP

TO BE USED FOR LAND USE PLANNING
PURPOSES

SCALE 1:50,000

THIS IS A SUMMARY OF THE DATA AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE ASSISTANCE OF A PROFESSIONAL SURVEYOR.

DATE	BY
1-10-2015	J. H. P.

This Page Intentionally Left Blank

Form 1-1212
(P-b. 1937)

Anchorage 029580

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, a certificate of the Land Office at ~~Anchorage~~, Alaska, is now deposited in the Bureau of Land Management, whereby it appears that pursuant to the act of Congress of ~~May 20, 1862 (12 Stat. 392)~~,

and the acts supplemental thereto, the claim of ~~Leisel Jerome Smith, Junior~~,

has been established and that the requirements of law pertaining to the claim have been met, for the following-described land:

~~Sevard Meridian, Alaska.~~

~~T. 17 N., R. 2 W.,~~

~~Sec. 9, lot 2, W1/2, N1/2.~~

The area described contains ~~160.22~~ acres, according to the official plat of the survey of the said land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, DOES HEREBY GRANT unto the said claimant and to the heirs of the said claimant the tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to (1) any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; (2) the reservation of a right-of-way for ditches or canals constructed by the authority of the United States, in accordance with the act of August 30, 1890 (26 Stat., 391, 43 U. S. C. sec. 945), and (3) the reservation of a right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures constructed or to be constructed by or under authority of the United States or by any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat., 418, 48 U. S. C. sec. 321d). There is also reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines, in accordance with section 1 of the act of March 12, 1914 (38 Stat., 305, 48 U. S. C. sec. 305)

Excepting and reserving, also, to the United States all the oil and gas in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of March 8, 1922 (42 Stat. 415).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the ~~TWENTY-FIRST~~ day of ~~APRIL~~ in the year of our Lord one thousand nine hundred and ~~FIFTY-NINE~~ and of the Independence of the United States the one hundred and ~~EIGHTY-THIRD~~.

[SEAL]

For the Director, Bureau of Land Management.

By

Rose M. Beall

Chief, Patents Section.

Patent Number 1195075

This Page Intentionally Left Blank

[Home](#)

U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT
 Alaska State Office

Alaska Case Retrieval Enterprise System (ACRES)

Note: Reports are generated from a replicated database. Information can be one week old.

Case Abstract for: AKA 029580

CASE DATA			
Case Serial Num:	AKA 029580	FRC Site Code:	SEA
Case Type:	256301 Headquarters Site	Accession Num:	--
Case Status:	Closed	Box Num:	-- (of) --
Case Status Actn:	Case Closed	Disp Date:	--
Case Status Date:	30-MAR-1977	Location Code:	--
SM Acres:	0.0000	Abnd Yr:	--
Claim Name:	--		

CUSTOMER DATA			
Cust ID:	000015767	Interest Relationship:	Applicant
Customer Name:	SMITH LEMUEL JEROME JR	Percent Interest:	0.0000
Customer Address:	Withheld		

ADMINISTRATIVE/STATUS ACTION DATA						
Date	Code Description:	Remarks	Doc ID	Ofc	Emp	Doc Img *
01-APR-1955	001 Application Filed	APPLICATION RECEIVED	--	PSA	CMC	--
21-APR-1959	879 Patent Issued	--	PA0001195075	PSA	CMC	--
30-MAR-1977	970 Case Closed	TITLE TRSF	--	PSA	CMC	--
27-AUG-1992	996 Converted To Prime	--	--	940	BKM	--

FINANCIAL ACTION DATA						
Date	Code/Description	Ofc	Emp	Money Amt	Acct Adv	Asmt Yr
NO FINANCIAL ACTIONS FOUND						

GENERAL REMARKS
 No Case Remarks found

GEOGRAPHIC NAMES
 No Geonames found

LAND DESCRIPTION														
Mr	Twp	Rng	Sec	Aliquot	Survey ID	Tr	Blk	Lot	Di	Bor	NR	LS	Acres	View MTP
28	017 N	002 W	009	--	--	--	--	2	04	170	07	PA	40.2200	DjVu PDF
Doc ID: PA0001195075 21-Apr-1959 USR: 570 754														
28	017 N	002 W	009	NWSW	--	--	--	04	170	07	PA	40.0000	DjVu PDF	
Doc ID: PA0001195075 21-Apr-1959 USR: 570 754														
28	017 N	002 W	009	W2NW	--	--	--	04	170	07	PA	80.0000	DjVu PDF	
Doc ID: PA0001195075 21-Apr-1959 USR: 570 754														
Total Case Acres:													160.2200	

CASE ACRES ANALYSIS	
Conveyed:	160.2200
Total:	160.2200
Patented:	160.2200
Total:	160.2200

[Report Information/Help](#)

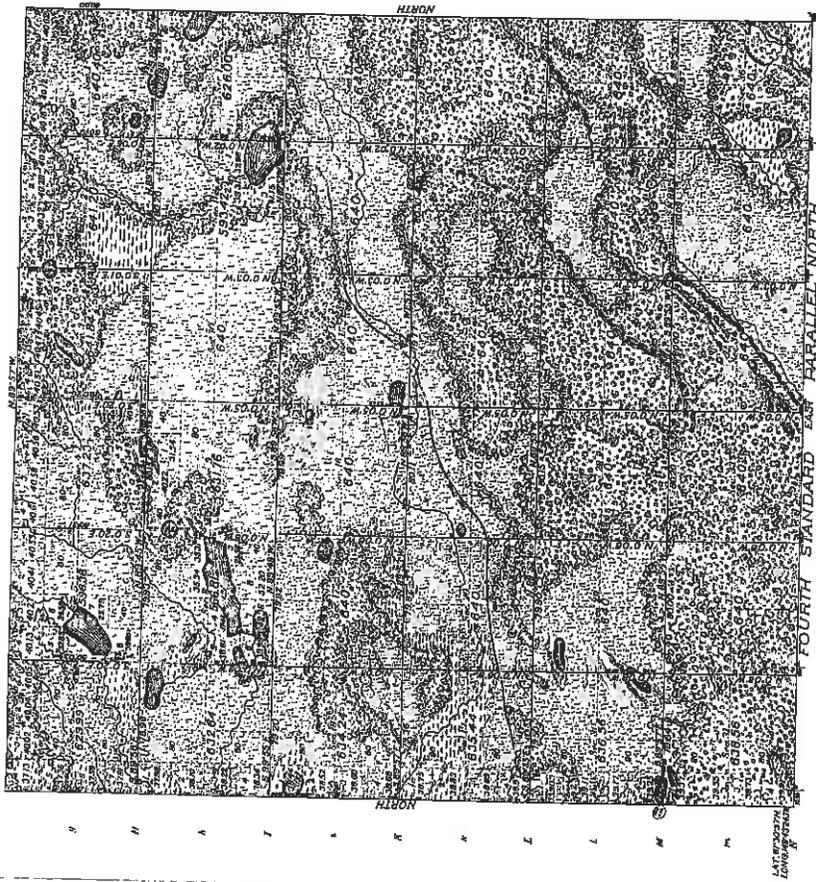
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data. Refer to specific BLM case files for official land status information.
For case data Information/help, contact the BLM Alaska Public Information Center at (907) 271-5960.

Property of the United States Government
This Document Contains Sensitive But Unclassified Information
Category 1 (A) BLM Records that do not contain protected information
and can be released in whole.

[SDMS](#) | [USA.GOV](#) | [No Fear Act](#) | [DOI](#) | [Disclaimer](#) | [About BLM](#) | [Notices](#) | [Get Adobe Reader®](#)
[Privacy Policy](#) | [FOIA](#) | [Kids Policy](#) | [Contact Us](#) | [Accessibility](#) | [Site Map](#) | [Home](#)

[Thursday, June 25, 2015 at 13:38:43 (AKDT)]

Township No. 17 North Range No. 2 West of the Seward Meridian, Alaska



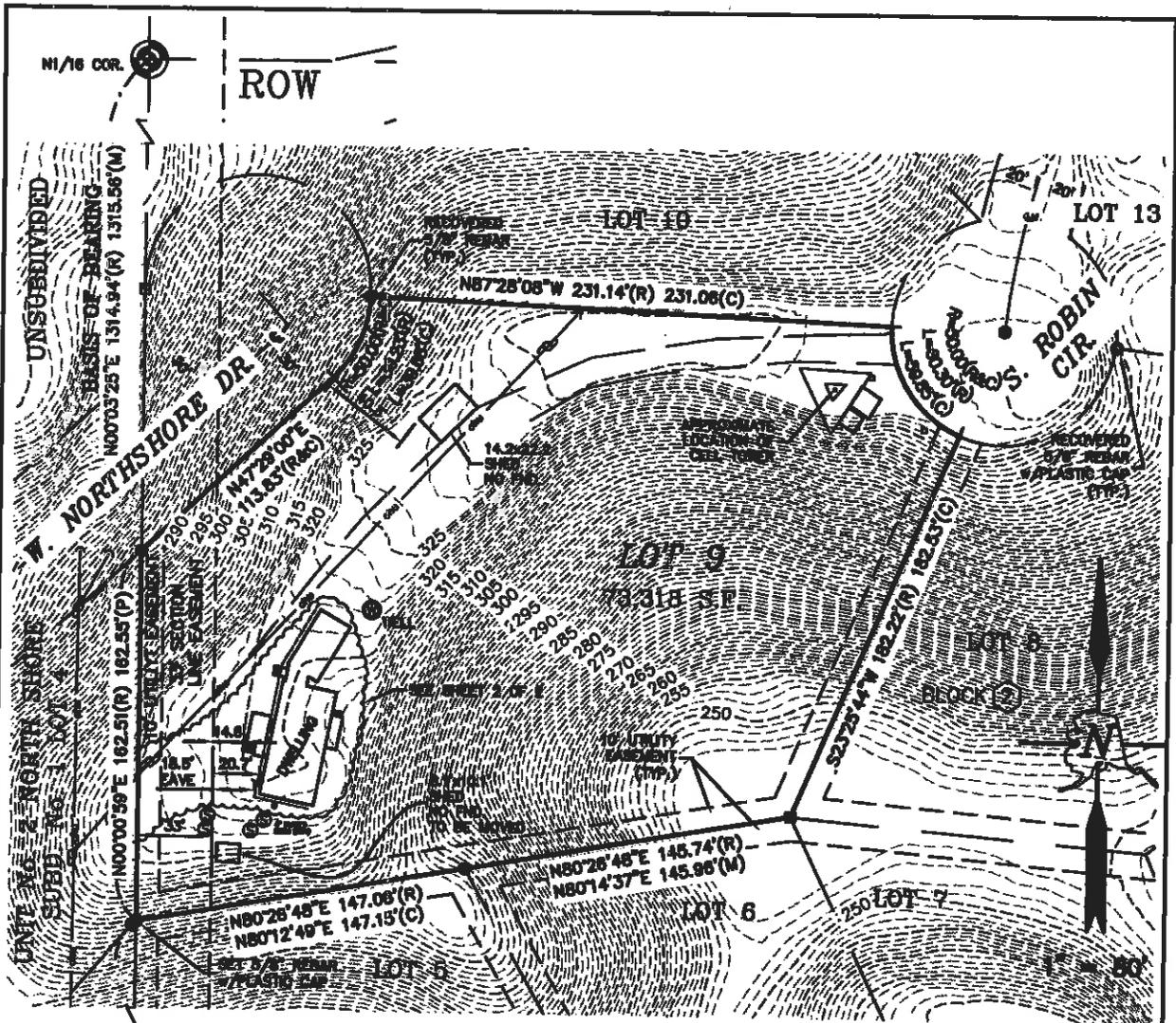
Public Land	25,828,847
Indian Reservations	
Indian Allotments	
Mineral Reserves	
Water Surface	195.04
Total Area	25,044.21

Scale: 40 Chains to an inch
 Mean Magnetic Declination
 The above map of Township No. 17 North, Range No. 2 West of the Seward Meridian, Alaska, is being confirmed in the field notes of the survey thereof in file in this office, which have been examined and approved
 C. S. SURVEYOR GENERAL'S OFFICE
 Umatilla, Alaska, Jan. 15, 1915
Charles E. [Signature]
 Surveyor General

Survey Designated	By Whom Surveyed	Date	Amount of Range		When Surveyed	
			Acres	Square Miles	By	When
Subdivision	J. F. Nichols (C.S.)	1898	25,044.21	390.70	1898	1898
Mineral	J. F. Nichols (C.S.)	1898	195.04	3.03	1898	1898
Water Surface	J. F. Nichols (C.S.)	1898	195.04	3.03	1898	1898
Public Land	J. F. Nichols (C.S.)	1898	25,044.21	390.70	1898	1898

LATITUDE
 LONGITUDE

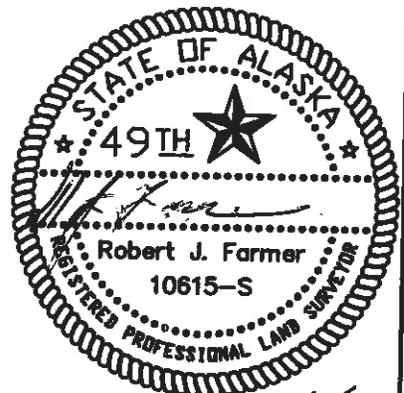
This Page Intentionally Left Blank



LEGEND:

- (C)=CALCULATED DATA
- (M)=MEASURED DATA
- (R)=RECORD DATA PER PLAT
- (P)=PERPROTIONED DATA
- FND.=FOUNDATION
- (TYP.)=TYPICAL

- ⊙ RECOVERED 3-1/2" BRASS CAP MONUMENT
- RECOVERED WOOD HUB
- RECOVERED 5/8" REBAR
- SET 5/8"x30' REBAR w/ PLASTIC CAP MARKED 10615-S
- ⊙ 4" PLASTIC SEPTIC RISERS



NOTES:

1. THIS AS-BUILT IS TO BE USED FOR A VARIANCE PER MSB 17.65 FOR A STRUCTURE (DWELLING, DECK, & EAVES) ONLY.
2. EXCEPTING FOR GROSS NEGLIGENCE, THE LIABILITY FOR THIS SURVEY SHALL NOT EXCEED THE COST OF PREPARING THIS SURVEY.
3. THIS SURVEY REPRESENTS VISIBLE IMPROVEMENTS & CONDITIONS ON THE DATE OF SURVEY.
4. TOPOGRAPHY DERIVED FROM MAT-SU BOROUGH LIDAR TOPOGRAPHY MAP CA_019_NE DATED 2011. HORIZONTAL DATUM IS BASED ON NAD83. VERTICAL DATUM IS BASED ON NAVD 88 GEOD 09.

EXCLUSION NOTE: IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR FENCE LINES.

AS-BUILT FOR VARIANCE PER MSB 17.65



ALASKA RIM ENGINEERING, INC.

9131 E. FRONTAGE RD.
PALMER, ALASKA 99645
PH: (907)745-0222 : FAX: (907)746-0222
EMAIL: akrim@alaskarim.com : WEB: www.alaskarim.com

WO: 1500349

FB: 15-11

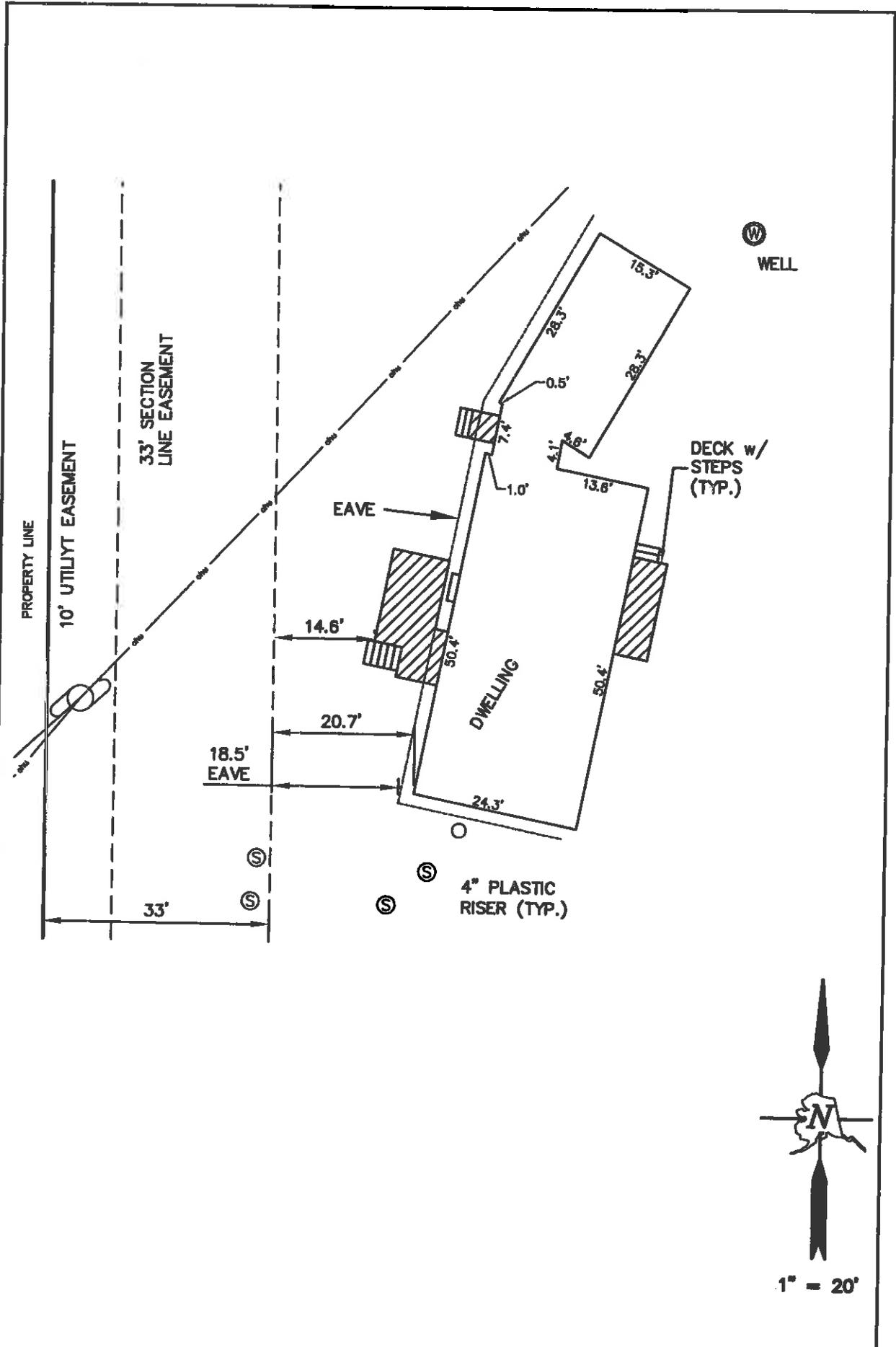
PAGE: 1 of 2

TM: HO10

SCALE: 1" = 80'

FILE: 1500349NC

I HEREBY CERTIFY THAT AN AS-BUILT INSPECTION WAS PERFORMED UNDER MY DIRECTION ON THE FOLLOWING DESCRIBED PROPERTY:
END OF THE RAINBOW SUBDIVISION, BLOCK 2, LOT 9, PLAT No. 70-23,
PALMER RECORDING DISTRICT, PALMER, ALASKA.
SURVEYED ON THE 21st OF OCT., 2015.



AS-BUILT FOR
VARIANCE PER
MSB 17.65



ALASKA RIM ENGINEERING, INC.
 9131 E. FRONTAGE RD.
 PALMER, ALASKA 99645
 PH: (907)745-0222 : FAX: (907)746-0222
 EMAIL: akrim@alaskarim.com : WEB: www.alaskarim.com

WO: 1500349	FB: 15-11
PAGE: 2 of 2	TM: HO10
SCALE: 1" = 20'	FILE: 1500349NC

I HEREBY CERTIFY THAT AN AS-BUILT INSPECTION WAS PERFORMED UNDER MY DIRECTION ON THE FOLLOWING DESCRIBED PROPERTY:
 END OF THE RAINBOW SUBDIVISION, BLOCK 2, LOT 9, PLAT No. 70-23,
 PALMER RECORDING DISTRICT, PALMER, ALASKA.
 SURVEYED ON THE 21st OF OCT., 2015.

**INTRODUCTION FOR PUBLIC HEARING
LEGISLATIVE**

Resolution No. 16-01

Amending MSB 17.60
For Marijuana Related Facilities

(Page 33 - 74)

INTRODUCTION FOR PUBLIC HEARING



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-7876

www.matsugov.us

MEMORANDUM

DATE: December 16, 2015

TO: Matanuska-Susitna Borough Planning Commission

FROM: Mark Whisenhunt, Planner II 

THRU: Eileen Probasco, Director of Planning & Land Use 

SUBJECT: PC Resolution 16-01 – A Resolution of the Matanuska-Susitna Borough Planning Commission Recommending Approval of Ordinance Serial Number 16-003 Amending MSB 17.60 to Include Permit Requirements and Standards for Marijuana Related Facilities; and Repealing Inapplicable Definitions.

RECOMMENDATION: Staff recommends approval of Planning Commission Resolution 16-01.

This ordinance was forwarded by the Marijuana Advisory Committee to the Assembly. It establishes a conditional use permit process for marijuana dispensaries and cultivation facilities. The ordinance was referred to the Planning Commission by the Assembly on December 15, 2015. The Assembly chose to give the Planning Commission 45 days to review and return the proposed ordinance with recommendations no later than January 29, 2016.

After receiving comments from the Attorney's office and other departments from an in-house review of proposed Ordinance Serial Number 16-003, staff recommends the following amendments to the proposed ordinance as listed below. The recommended amendments have been formatted for your convenience:

1. Establishing under MSB 17.125.010 Definitions – **“Net floor area” means the total of all floor areas of a building or lease area, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading.**
2. Removing from MSB 17.60.150(A)(3) – ~~(e) reduction or elimination of obtrusive or garish signage;~~
3. Establishing under MSB 17.60.150(A)(4) – **(a) parking standards only apply to retail facilities. The minimum number of parking spaces for retail facilities shall be one space per 350 square feet of net floor area.**

Providing Outstanding Borough Services to the Matanuska-Susitna Community.

4. Removing from MSB 17.60.150(A) – ~~(5) whether access to the premises will create an unreasonable traffic hazard;~~
5. Removing from MSB 17.60.150(A) – ~~(6) whether a reasonably expected increase in traffic will overtax existing road systems;~~
6. Under MSB 17.60.150(A)(7) – whether the use is incompatible with the character of the surrounding area.
7. Establishing under MSB 17.60.150 – **(D) Prior to final approval of the permit the applicant shall provide written documentation that all applicable licenses have been obtained as required by 3 AAC 306.005.**
8. Under MSB 17.60.160 (D) – *Security*. The applicant shall provide a security plan. The plan shall include, **but not be limited to,** education for employees on security measures.

Brief Staff Comments Relating to the Recommended Amendments:

- Recommendation 1 is a definition that supports recommendation 3.
- Recommendation 3 adds a specific measurable parking standard to MSB 17.60.150(A)(4), which currently has no measurable standard as written.
- Recommendation 2 is at the recommendation of the Attorney's office due its vagueness, unenforceability, and its potential to infringe upon one's freedom of speech.
- Recommendations 4 and 5 are two standards that are duplicative of MSB 17.60.150(A)(2).
- Recommendations 6 and 8 are made for clerical improvement.
- Recommendation 7 is to insure there is documented compliance with the Alaska Administrative Code.

The proposed ordinance has been distributed for further public review and comment. As a result, there may be additional recommendations for amendments at the public hearing.

By: Alex Strawn
Introduced: January 4, 2016
Public Hearing: January 18, 2016
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.60 TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR MARIJUANA RELATED FACILITIES; AND REPEALING INAPPLICABLE DEFINITIONS.

WHEREAS, on November 4, 2014, Ballot Measure 2 was approved statewide by the voters; and

WHEREAS, Ballot Measure 2 allows for the Borough to prohibit and/or implement regulations governing the number, time, place and manner of marijuana cultivation facilities, manufacturing facilities, retail stores, and testing facilities; and

WHEREAS, Assembly resolution 15-007 established a Marijuana Advisory Committee in part to advise the Assembly and Administration on how the Assembly and/or Administration should implement Alaska Statute 17.38 at the local level; and

WHEREAS, this legislation is coming forward at the request of the Marijuana Advisory Committee; and

WHEREAS, unregulated marijuana related facilities are potentially damaging to the property values and usefulness of adjacent properties, and have the potential to cause harm to the public health, safety, and welfare; and

WHEREAS, in the absence of Borough-wide zoning, such uses are best handled through a conditional use permit process; and

WHEREAS, on December 15, 2015, the Assembly referred proposed Ordinance Serial Number 16-003 to the Planning Commission for 45 days; and

WHEREAS, the Planning Commission held a public hearing for the proposed ordinance on January 18, 2016; and

WHEREAS, after considering all available information, the Planning Commission recommends some changes to Ordinance Serial Number 16-003; and

WHEREAS, the Planning Commission finds that the draft ordinance meets the intent of Ballot Measure 2 by allowing for the production and distribution of marijuana while ensuring it is done in a manner that will preserve and will not detract from the neighboring land uses.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Ordinance Serial Number 16-003 amending MSB 17.60 to include permit requirements and standards for marijuana related facilities; and repealing inapplicable definitions.

/

/

/

/

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ___, 2016.

JOHN KLAPPERICH, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

This Page Intentionally Left Blank

DOCUMENT TRACKING REPORT

DOCUMENT: An Ordinance Amending MSB 17.60 To Include Permit Requirements And Standards For Marijuana Related Facilities. (Sponsored by Assemblymember Sykes)

DATE	STATUS
12/15/15	Referred to Planning Commission for 45 days
	See back to Assembly no later than Jan 29, 2016

This Page Intentionally Left Blank

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 16-001

SUBJECT: AN ORDINANCE AMENDING MSB 17.60 TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR MARIJUANA RELATED FACILITIES; AND REPEALING UNAPPLICABLE DEFINITIONS.

AGENDA OF: December 15, 2015

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originators	AS/BJH 	For the Marijuana Advisory Committee
	Planning Director		
	Borough Attorney		
	Borough Clerk		

ATTACHMENT(S): Fiscal Note: YES ___ NO X
 Ordinance Serial No. 16-003 (7 pp)
 Current MSB 17.60 (13 pp)

SUMMARY STATEMENT: This legislation is coming forward on the advice of the Marijuana Advisory Committee (MAC) to provide for a conditional use permit process for marijuana related facilities.

The references to "race tracks" and "motorized" that are being proposed for deletion is merely a cleanup of MSB 17.60, as race tracks are now regulated by MSB 17.63.

The agenda for MAC meetings placed audience participation prior to items of business in order to invite the widest public participation possible. A public hearing was conducted prior to taking any action on the legislation.

At the September 17, 2015, meeting, the MAC made amendments as follows:

- by inserting a definition for marijuana: "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate. Marijuana does not include fiber produced from the stalks, cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administration, food, drink or other products" in order to be consistent with the State's language.
- by inserting a definition for marijuana facility: "Marijuana facility" means an entity licensed to purchase marijuana or a marijuana product from a marijuana cultivation facility or marijuana product manufacturing facility and to sell marijuana and any approved marijuana product to a consumer" in order to be consistent with the State's language.
- by inserting a title for MSB 17.60.160: "Standards for marijuana retail facilities" in order to be consistent with the State's language.
- by inserting MSB 17.60.030(4): "Marijuana retail facility as licensed under A.S. 17.38" in order to be consistent with the State's language.

At the November 5, 2015 meeting, the MAC made amendments as follows:

In the original draft ordinance, it was proposed to insert MSB 17.60.160(A) that read: "(A) *Marijuana Management plan*. The applicant shall provide a marijuana management plan detailing the training program for employees and staff that shall contain, at a minimum, educational and operational standards on the prevention of sale or distribution of marijuana products to anyone under the age of 21 years old. Such plan should detail any efforts made or proposed to be made by the applicant to educate the community or otherwise participate in community outreach regarding the topic of underage marijuana use."

The MAC unanimously moved to remove that from the draft ordinance as this is covered in the State regulations by requiring a marijuana handlers permit for all licensee, agents, and employees; that training program will cover all of the requirements that were expressed in that section.

In the original draft ordinance, it was proposed to limit cultivation facilities to 5,000 square feet. The public testimony that was provided expressed concerns that cultivation space would also include administration space, bathrooms, and storage areas, which could cause a serious shortage of supply once marijuana licenses are issued. An amendment was crafted and unanimously adopted that read: "the 5,000 square foot limit only applies to areas of plant cultivation and does not include administration space, processing space, bathrooms, or storage space."

The MAC concluded their review of the draft land use regulations on November 5, 2015, and voted 10 to 3 to forward the legislation to the Assembly for consideration.

RECOMMENDATION OF ADMINISTRATION: Present to the Assembly for consideration.

This Page Intentionally Left Blank

CHAPTER 17.60: CONDITIONAL USES

Section

- 17.60.010 Definitions
- 17.60.020 Applicability
- 17.60.030 Permit required
- 17.60.040 Application procedures
- 17.60.100 General standards
- 17.60.110 Junkyards and refuse area standards
- 17.60.120 Standards for correctional community residential centers
- 17.60.130 Standards for race tracks [Repealed]
- 17.60.135 Standards for race tracks [Repealed]
- 17.60.140 Tall structures, including but not limited to, towers, tower farms, tower routes, and tower service area grids [Repealed]
- 17.60.145 Tall structures, including but not limited to towers, tower farms, tower routes, and tower service area grids [Repealed]
- 17.60.180 Transfer of a conditional use permit
- 17.60.190 Termination of conditional use permits
- 17.60.200 Nonconforming uses
- 17.60.210 Violations and enforcement [Repealed]
- 17.60.215 Violations, enforcement, and penalties
- 17.60.220 Appeal procedure

17.60.010 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(0.5) *[Repealed by Ord. 11-074, § 4, 2011]*

(0.7) *[Repealed by Ord. 11-074, § 4, 2011]*

- "Automobile wrecking" means the dismantling or wrecking of automobiles or other motor vehicles and the storage or keeping for commercial sale of dismantled or wrecked automobiles or the parts resulting from such activity.
- "Automobile wrecking yard" means the location within which the activity of automobile wrecking for commercial or public use is present.
- "Commercial" means any activity where goods or services are offered or provided for sale

or profit.

- “Commission” means the planning commission of the Matanuska-Susitna Borough.
- “Correctional community residential center (CCRC)” means a community residential center, other than a correctional institution, for the short-term or temporary detention of prisoners in transition from a correctional institution, performing restitution, or undergoing rehabilitation or recovery from a legal infirmity. CCRCs may not be used for detention of prisoners who pose a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or 24-hour physical supervision. The determination of whether a prisoner poses a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or 24-hour physical supervision shall be made by the commissioner of corrections for state prisoners and the United States Attorney General, or the U.S. Director of Bureau of Prisons for federal prisoners.
- “Correctional institution” means a facility other than a correctional community residential center providing for the imprisonment or physical confinement or detention of prisoners under guard or 24-hour physical supervision, such as prisons, prison farms, jails, reformatories, penitentiaries, houses of detention, detention centers, honor camps, and similar facilities.
- “Federal prisoners” means offenders in the custody or control or under the care or supervision of the United States Attorney General or the Bureau of Prisons.
- “Junk” means any secondhand and used machinery, scrap iron, copper, lead, zinc, aluminum, or other metals; it also includes wrecked automobiles, tools, implements, rags, used building materials, rubber, and paper. The above listed materials are not intended to be exclusive; “junk” may include any other materials that cannot, without further alteration and reconditioning, be used for their original purposes.
- “Junkyard/refuse area” means a location which is commercially used for the purpose of the outdoor storage, handling, dismantling, wrecking, keeping or sale of used, discarded, wrecked or abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery, equipment, or parts thereof, including but not limited to, scrap metals, wood, lumber, plastic, fiber, or other tangible materials.
- “Motorized” means powered or propelled by a force other than human or animal muscular power, gravity, or wind.
- “Neighborhood” means an area of a community with characteristics which distinguish it from other community areas and which may include distinct economic characteristics, use

patterns, schools, or boundaries defined by physical barriers such as major highways, railroads, or natural features such as rivers.

- "Prisoner" means:

- (a) a person held under authority of state law in official detention as defined in AS 11.81.900;

- (b) includes a juvenile committed to the custody of the Alaska Department of Corrections Commissioner when the juvenile has been charged, prosecuted, or convicted as an adult.

- "Race track" means a prepared route traveled by contestants to achieve goals of skill, duration, or speed, including practice for such events, also known as: raceway, or race course.

(Ord. 15-016, § 4, 2015; Ord. 12-157(SUB), § 3, 2013; Ord. 11-074, § 4, 2011; Ord. 99-093(AM), § 1, 1999; Ord. 97-084(AM), § 2, 1997; Ord. 96-003(SUB)(AM), § 2, 1996; Ord. 84-27, § 2 (part), 1984)

17.60.020 APPLICABILITY.

(A) This chapter applies in all areas of the borough outside special land use districts, unless otherwise provided for in this chapter.

(B) The requirements of this chapter apply to CCRCs within special land use districts, residential land use districts, and other areas outside the cities, which allow correctional group homes as a permitted or conditional use.

(C) This chapter does not apply to correctional residential supervision where only one person is required to remain during specified periods of every day for a specified term at his or her regular private residence or the private residence of another person into whose custody the supervised person has been placed by a judge or magistrate as in "house arrest" or as a condition of release while awaiting trial.

(D) This chapter does not apply within the cities of Houston, Palmer, or Wasilla.

(E) This chapter does not apply to state approved noncorrectional facilities such as substance abuse treatment programs, hospitals, or job training centers which are incidentally providing residential treatment, rehabilitative care, or training to persons in the custody of local, state, or federal corrections authorities. For purposes of this chapter "incidental" means 10 percent or less of the facility's authorized population, but allows one corrections custody resident if the facility is designed to provide residence for less than ten persons.

(Ord. 96-003(SUB)(AM), § 3, 1996; Ord. 84-27, § 2 (part), 1984)

17.60.030 PERMIT REQUIRED.

(A) The following land uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, or potentially harmful to the public health, safety, and welfare:

- (1) junkyards and refuse areas;
- (2) correctional community residential centers;
- (3) race tracks used by motorized vehicles carrying people on land.

(B) Such uses are permitted only upon the issuance of a conditional use permit, as provided in this chapter. Unless such uses are maintained under and in accordance with a lawfully issued permit, such uses are declared to be public nuisances. Maintenance of such a land use without a permit is prohibited.

(Ord. 15-016, § 5, 2015; Ord. 12-157(SUB), § 4, 2013; Ord. 11-074, § 6, 2011; Ord. 06-215, § 2, 2006; Ord. 99-093(AM), § 3, 1999; Ord. 97-084 (AM), § 3, 1997; Ord. 96-003(SUB)(AM), § 4, 1996; Ord. 84-27, § 2 (part), 1984)

17.60.040 APPLICATION PROCEDURES.

(A) *General.* An application to the planning commission for a conditional use or modification of an existing conditional use may be initiated by a property owner or the owners' authorized agent. An application for a conditional use shall be filed with the planning director on a form provided by the planning department.

- (1) The application for a conditional use permit shall be accompanied by an appropriate filing fee as established by the assembly, payable to the borough.

(B) *Site plan.* A detailed site plan showing the proposed location of all buildings and structures on the site, access points, buffering, drainage, vehicular and pedestrian circulation patterns, parking areas, and the specific location of the use or uses to be made of the development shall be submitted with the application.

(C) *Action by planning commission.*

- (1) The planning commission shall hear any interested parties and shall render a decision on the application for a conditional use permit within 30 calendar days from the

date of public hearing. In recommending the granting of a conditional use, the planning commission shall state in writing the conditions of approval of the permit which it finds necessary to carry out the intent of this chapter. These conditions may increase the required lot size, control the location and number of vehicular access points to the property, require screening and land filling where necessary to reduce noise and glare, and may require the reclamation of property to a character in keeping with surrounding lands. The commission may impose other conditions and safeguards designed to ensure the compatibility of the conditional use with other lawful uses.

(2) The planning director shall incorporate any conditions or requirements stipulated by the commission in the conditional use permit.

(Ord. 99-093(AM), § 4, 1999; Ord. 93-045, § 2, 1993; Ord. 91-106, 1991)

17.60.100 GENERAL STANDARDS.

(A) A conditional use may be approved only if it meets with the requirements of this section in addition to any other standards required by this chapter.

(B) In granting a conditional use permit, the planning commission must make the following findings:

- (1) the conditional use will preserve or not detract from the value, character, and integrity of the surrounding area;
- (2) that granting the conditional use permit will not be harmful to the public health, safety, convenience, and welfare;
- (3) that sufficient setback, lot area, buffers, or other safeguards are being provided to meet the conditions listed in subsections (B)(1) through (3) of this section; and
- (4) the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in this section.

(Ord. 84-27, § 2 (part), 1984)

17.60.110 JUNKYARDS AND REFUSE AREA STANDARDS.

(A) No junkyard or auto wrecking yard shall be established or operated unless the wrecking yard is completely obscured from the view of any traveled or public right-of-way. The permit may require the junkyard or auto wrecking yard not within a building to be contained within a continuous solid fence no less than eight feet in height, if such requirement is necessary to

prevent the unsightly display of the yard or for public safety purposes. Fencing may be of one or a combination of the following:

- (1) conventional solid wood or metal fencing;
- (2) evergreen or other natural planting sufficient to provide year-round screening; and
- (3) earthen berm or topography.

(B) In all cases, fencing provided shall be continuous and of sufficient density to provide visual screening required by this chapter on a year-round basis.

(Ord. 84-27, § 2 (part), 1984)

17.60.120 STANDARDS FOR CORRECTIONAL COMMUNITY RESIDENTIAL CENTERS.

(A) These standards may not be implemented in a way that compromises the required security of a facility. CCRCs established after the effective date of the ordinance codified in this section must be in accordance with the standards of this chapter.

(B) In addition to all other applicable laws, rules, and standards, CCRCs are subject to the following standards:

- (1) A CCRC may not be located within one-half mile of a pre-existing public or licensed private school, a pre-existing licensed day care facility, or 750 feet from a pre-existing alcohol beverage dispensary or package store.
- (2) CCRCs may not generate traffic, light, glare, noise, odor, smoke, electrical interference, vibration, or dust and may not have an appearance, scale of operation, size, residential density, or use that is not allowed in the district within which it is located, that is out of character with the surrounding neighborhood, or that causes a nuisance off the permitted site.
- (3) CCRC dwelling units may be attached or detached in keeping with the character of the surrounding area and requirements of the district within which the facility is located.
- (4) CCRCs providing single-family style, dormitory, or hotel-style living arrangements, in keeping with the character of the surrounding neighborhood, may be approved subject to the provision of equivalent facilities and living space per resident.
- (5) A CCRC must be the principal use on the parcel of land upon which it is located.
- (6) All other types of facilities and categories of land use on the site of a CCRC are

subject to the approval of the borough in accordance with this chapter for the purpose of regulating land use impacts. Such uses and facilities include, but are not limited to, organizational administration, vocational training, staff training, and activities which generate revenue to the facility or its sponsor organization such as manufacturing, remanufacturing, repair, sales, process, service, agriculture, or animal husbandry.

- (7) The minimum lot size for CCRCs shall be:
 - (a) one to 24 beds, 40,000 square feet;
 - (b) for each additional 12 beds or fraction thereof 20,000 additional square feet; and
 - (c) the planning commission may increase the allowed density if community water and sewage is available to the facility.
- (8) New construction shall be in character with the neighborhood and reflect sensitivity and respect for the surrounding environment.
- (9) The maximum lot coverage by buildings must be in accordance with the district in which the facility is located to a maximum of 25 percent.
- (10) The maximum height of structures shall be that which is permitted in the district, and in character with the surrounding neighborhood in which the facility is located to a maximum of three stories not to exceed 40 feet.
- (11) The minimum separation between buildings, walled structures, or fences shall be ten feet.
- (12) All CCRCs will provide appropriate on-site residential facilities, common areas, recreational areas, educational areas, laundry areas, emergency medical service, and food service areas to provide for the needs of the residents who are restricted to the premises.
- (13) The land use standard to establish maximum resident occupancy at a CCRC is a minimum of 150 square feet of building area per resident, calculated by including all bedroom, kitchen, bathroom, living, recreation, and other areas within the facility intended for common use by the residents.
- (14) Landscaping must meet the following criteria:

- (a) All areas not occupied by authorized buildings, structures, storage, driveways, parking, walkways, or other approved development must have maintained visual enhancement buffer landscaping. Where approved by the planning commission, maintaining existing natural vegetation shall be acceptable as a buffer.
 - (b) Buffer landscaping must be maintained along the length of each lot line of the permitted site which abuts a lot within a residential district or a lot containing a residential use.
 - (c) Buffer landscaping must be maintained along the length of all streets and roads upon which the permitted site has frontage.
 - (d) Surface water, storm water, and other runoff must be managed to avoid pollution and damage in accordance with an approved plan.
- (15) Lighting must be provided at all developed pedestrian and vehicular access points for the permitted site. Additional lighting sufficient to enhance public safety may be provided as required by the planning commission.
- (16) All parking and loading areas required for the permitted use must be provided on site and shall be paved with gravel, chip seal, asphalt, or concrete. Adequate parking and on-site vehicular maneuvering room, as determined by the planning commission, must be provided to accommodate staff, residents, visitors, and services associated with the permitted use. Parking spaces meeting national handicapped parking space requirements shall be provided.
- (17) Signs, excluding warning and official notification of rules signs, which are intended to be visible from off site, must be limited to that allowed within the district within which the facility is located except as follows:
- (a) Unless otherwise regulated the maximum combined area shall be 32 square feet for all regulated signs.
 - (b) Signs must be below the roof line of the lowest residential structure on site or the structure upon which it is mounted, whichever is lower.
 - (c) Signs must be unlighted or be lit so as to avoid glare off site.
- (18) Loading facilities, refuse containers, and outdoor storage of equipment and material shall be visually screened from adjacent developed public access rights-of-way, residential lots, and residential uses.

(19) All CCRCs must be maintained in a safe, clean condition. Except as specifically authorized under this section, the storage, keeping, or disposal of junk and trash at a CCRC site is prohibited except for incidental amounts kept for no more than 30 consecutive days to facilitate recycling and proper disposal at an approved disposal site. As approved by the planning commission, the temporary storage of junk that is not visible from off site may be allowed. Storage of junk must be determined to be necessary to the operation of an approved use, such as a repair shop, within a CCRC and must be subject to a removal schedule.

(C) As part of the application, the applicant shall provide the following supporting information:

(1) as-built or proposed site plan of the application site, drawn to scale and certified by a registered land surveyor, depicting all boundaries, topography, structures, landscaping, drainage management, and other development;

(2) design drawings, drawn to scale, for all buildings, and structures, and elevations. Design drawings for new construction must be certified by a registered engineer or architect; and

(3) a plan of operations describing the proposed use in detail sufficient to demonstrate compliance with all applicable borough ordinances, standards, and conditions. This submittal shall also include:

(a) evidence of compliance with all other applicable local, state, and federal laws by the applicant(s) and their authorized agent(s) regarding the proposed use;

(b) a proposed organization chart of the operation identifying the lines of responsibility and general function of the owners and staff of the organizations that will own and operate the facility including job descriptions;

(c) a description of the number and types of residents proposed;

(d) descriptions of all major activity types proposed to occur on site; and

(e) general description of the security measures proposed to protect the public safety.

(D) The property owner and the permittee shall be responsible for maintaining all aspects of the operation, improvements, development, and site in compliance with the terms and conditions of the permit and all applicable local, state, and federal requirements. Failure to

correct any violation of any permit condition is a violation of borough code.

- (1) A pattern of crimes committed by residents of a permitted facility, which are determined by the planning commission to be creating an unreasonable degree of risk to public safety, may be grounds for revocation of the permit.
- (2) In addition to other applicable penalties, failure to correct a violation of code after reasonable notice may result in revocation of the permit.
- (3) Upon issuance of a permit under this chapter the permittee shall provide all necessary documentation to maintain current information sufficient to demonstrate continued compliance with permit conditions. The permittee shall also provide the borough the following information:
 - (a) name, title, and 24-hour contact telephone numbers for the person(s) in charge of the operation and security of the institution or facility;
 - (b) immediate notification of escapes; and
 - (c) immediate notification of any formal notice of violation issued by a government agency indicating an unacceptable level of security exists or has been allowed to exist at the facility.
- (4) Authorized representatives of the borough will be allowed to inspect the permitted site and related records at reasonable times for the purpose of monitoring compliance with all permit conditions. Upon reasonable notice from the borough, the permittee shall provide necessary assistance and security to facilitate authorized inspections by borough representatives.
- (5) A permit may be transferred to another individual subcontractor with planning commission notification and approval.

(Ord. 96-003(SUB)(AM), § 5, 1996)

17.60.180 TRANSFER OF A CONDITIONAL USE PERMIT.

- (A) Except as otherwise specified by code, the privileges and requirements of a conditional use permit shall run with the land, subject to the following requirements:
- (1) Within 90 days of recording the transfer of ownership of the subject land, the new owner must provide written notification and a signed acknowledgment that the new owner assumes responsibility for compliance with the requirements of the permit.

(2) The commission may limit the term of a permit or place conditions upon the transfer of ownership of a permit.

(Ord. 99-093(AM), § 6, 1999; Ord. 97-084(AM), § 5, 1997)

17.60.190 TERMINATION OF CONDITIONAL USE PERMITS.

(A) Except as otherwise specified by code, a conditional use permit issued under this chapter will become null and void under the following conditions:

(1) notification of termination of the permit for failure to comply with an order to correct violations of a conditional use permit;

(2) failure to initiate the use for which the conditional use permit was issued within five years of the date of the permit issuance;

(3) cessation of the use for which the conditional use was issued for a period exceeding five consecutive years.

(B) For good cause the planning commission may grant a one-time one-year extension of a conditional use permit. The planning commission must find that the request is reasonable and the proposed use is still appropriate under the standards for consideration under the subject use. An application for extension shall be subject to the same application fee as a conditional use permit and shall require public notice and public hearing in accordance with the requirements of MSB 17.03.

(Ord. 97-084(AM), § 6, 1997)

17.60.200 NONCONFORMING USES.

(A) Within the borough there may exist non-conforming uses as of the date of adoption of the ordinance codified in this chapter, or amendments thereto which were lawful before the effective date of applicable regulations, but which would otherwise be prohibited, regulated, or restricted under this chapter. Such existing nonconforming uses are permitted to continue subject to the provisions of this section, but shall not be expanded except as specifically provided in this chapter.

(B) Except as specifically provided for by code, this chapter does not require the relocation or removal of a nonconforming use existing or under construction at the time of adoption of the ordinance codified in this chapter if such use was lawful at the time of its construction. No nonconforming use shall be constructed or operated except in accordance with these regulations, except to the extent it was in existence or under actual construction as of the

effective date of the ordinance codified herein or amendment thereto. "Actual construction" is defined as the substantial placement of construction materials and performance of labor for construction of facilities which cannot reasonably be used except in a manner which does not conform with these regulations.

(C) Nonconforming uses under construction or in existence as of the date of the ordinance codified in this chapter shall apply for approval of their use within 90 days of the effective date of such ordinance or of a later amendment which makes the use nonconforming. The planning director shall grant approval of the nonconforming use if it complies with the requirements of this chapter excepting only those facilities and improvements which were under construction or in existence prior to the effective date of the respective regulation. The nonconforming use shall meet all other requirements of this chapter within 12 months which are not in conflict with the pre-existing use or construction.

(D) No existing nonconforming use shall be expanded to include an adjacent parcel or parcels unless the area of expansion meets the requirements of this chapter, except that contiguous, unplatted tracts constituting a block of land in the same ownership held for the same purpose on April 17, 1984, and containing a nonconforming use permitted under subsection (C) of this section shall be considered one parcel. No nonconforming use which is abandoned shall be used until it meets the requirements of this chapter. "Abandonment" is defined as a discontinuation of use of a nonconforming use, or a discrete portion or parcel thereof, or the failure to complete construction and begin use, for a continuous period of more than one year. If abandoned, the land shall not thereafter be used except in conformity with the requirements of this chapter.

(Ord. 97-084(AM), § 7, 1997; Ord. 84-27, § 2 (part), 1984)

17.60.215 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Except as otherwise specified in this chapter violations of this chapter are infractions.

(B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(C) Failure to correct a violation of any permit condition is a violation of borough code.

(D) In addition to other applicable penalties, failure to correct the violation of code, after reasonable notice, may result in revocation of the permit.

(Ord. 99-093(AM), § 7, 1999; Ord. 95-088(SUB)(am), § 29 (part), 1995)

17.60.220 APPEAL PROCEDURE.

Appeals from a decision of the manager or the manager's authorized representative of an enforcement action or a decision of the commission granting or denying a permit under this chapter shall be filed and conducted in accordance with MSB 15.39.

(IM 96-013, page 1 (part), presented 3-19-96; Ord. 84-27, § 2 (part), 1984)

This Page Intentionally Left Blank

CODE ORDINANCE

Sponsored by: Assemblymember Sykes

Introduced:

Public Hearing:

Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-003**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.60 TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR MARIJUANA RELATED FACILITIES; AND REPEALING UNAPPLICABLE DEFINITIONS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 17.125.010 is hereby amended as follows:

- "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate. "Marijuana" does not include fiber produced from the stalks, cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administration, food, drink or other products."

- "Marijuana Cultivation Facility" means an entity licensed to cultivate, prepare, package and sell marijuana to Marijuana dispensaries, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- "Marijuana retail facility means an entity licensed to purchase marijuana or a marijuana product from a marijuana cultivation facility or marijuana product manufacturing facility and to sell marijuana and any approved marijuana product to a consumer."
- ["MOTORIZED" MEANS POWERED OR PROPELLED BY A FORCE OTHER THAN HUMAN OR ANIMAL MUSCULAR POWER, GRAVITY, OR WIND.]
- ["RACE TRACK" MEANS A PREPARED ROUTE TRAVELED BY CONTESTANTS TO ACHIEVE GOALS OF SKILL, DURATION, OR SPEED, INCLUDING PRACTICE FOR SUCH EVENTS, ALSO KNOWN AS: RACEWAY, OR RACE COURSE.]

Section 3. Amendment of Paragraph. MSB 17.60.030(A) is hereby amended as follows:

(A) The following land uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, or potentially harmful to the public health, safety, and welfare:

- (1) junkyards and refuse areas;
- (2) correctional community residential centers;
- [(3) RACE TRACKS USED BY MOTORIZED VEHICLES CARRYING PEOPLE ON LAND.]

(4) Marijuana retail facility as licensed under 3 AAC 306.005; and

(5) marijuana cultivation facility licensed under 3 AAC 306.005.

Section 4. Adoption of sections. MSB 17.60.150 and 17.60.160 are hereby adopted as follows:

17.60.150 GENERAL STANDARDS FOR MARIJUANA RELATED FACILITIES

(A) In addition to the standards set forth by 17.60.100, the Planning Commission shall weigh factors which contribute or detract from the development of a safe, convenient and attractive community, including, but not limited to:

(1) any potential negative effect upon other properties in the area due to such factors as noise, odor, or obtrusive advertising;

(2) any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector, or street from which access to and from the establishment is obtained;

(3) the effectiveness of measures to reduce negative effects upon adjacent properties by:

(a) increased property line and right-of-way buffers;

(b) planted berms and landscaping;

(c) reduction or elimination of obtrusive or garish signage;

(d) clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials and collectors; and

(e) site and building design features which contribute to the character of the surrounding area.

(4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;

(5) whether access to the premises will create an unreasonable traffic hazard;

(6) whether a reasonably expected increase in traffic will overtax existing road systems;

(7) whether the use is incompatible with the character of the surrounding area.

(B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located:

(1) within 50-feet of any residence located on an adjacent property, but excluding residential units that are located within the subject property;

(2) 500-feet of any drug or alcohol rehabilitation facilities;

(3) 500-feet of any half way house or correctional facility;

(4) 1,000-feet of any elementary school, middle school, high school, college, or university, whether public or private;

(5) 1,000-feet of any licensed child care facility; or

(6) 500-feet of any public park, playground, boat ramp, or other similar recreational amenity open to the public.

(C) Separation distances referenced in (B) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

(D) Prior to final approval of the permit the applicant shall provide written documentation that all applicable licenses have been obtained as required by 3 AAC 306.005.

17.60.160 STANDARDS FOR MARIJUANA CULTIVATION FACILITIES

(A) *Wastewater and waste material disposal plan.*

A wastewater and waste material disposal plan shall be submitted which demonstrates that wastewater and waste material associated with the cultivation facility is disposed of in compliance with the Alaska State Department of Environmental Conservation.

(B) *Odor Mitigation and Ventilation Plan.* The applicant shall provide an odor mitigation plan detailing the effective mitigation of any odors of the proposed uses. Such plan shall demonstrate that the design for the purification of air prevents odors from materially impacting adjoining properties.

(C) *Hazardous Chemicals.* Storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation of marijuana shall comply with all local, state, and federal laws.

(D) *Security.* The applicant shall provide a security plan. The plan shall include education for employees on security measures.

(E) Marijuana cultivation facilities may not exceed 5,000 square feet on any given parcel. The 5,000 square foot limit only applies to areas of plant cultivation and does not include administrative space, processing space, bathrooms, or storage space.

ADOPTED by the Matanuska-Susitna Borough Assembly this -
day of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

This Page Intentionally Left Blank

State of Alaska
 Department of Commerce, Community, and Economic Development
 Alcoholic Beverage Control Board

HOME LICENSEE BUSINESS BOARD BUSINESS OTHER LINKS

State of Alaska > Commerce > Alcoholic Beverage Control Board > Marijuana Initiative FAQs

ABC Board Links

- Alcohol Announcements
- Alcohol Regulations
- Board Members
- Contact Us
- Enforcement Unit
- History
- ABC Meeting Agendas and Minutes
- Online Feedback

Marijuana Board Links

- Marijuana Public Interest Form
- AS 17.38 (Ballot Measure 2)
- AS 17.38 (HB 123)
- Cole Memorandum

MARIJUANA INITIATIVE FAQs

Many Alaskans have questions regarding AS 17.38, the act to tax and regulate the production, sale, and use of marijuana (often referred to as "proposition 2" or ballot measure 2"). The Department of Commerce, Community and Economic Development created this page to provide answers to frequently asked questions. [Register](#) to receive notification when new FAQs are added.

What is AS 17.38?

AS 17.38 was passed by citizen's initiative on the November 4, 2014 ballot. The initiative directs the Alcoholic Beverage Control Board (or a new entity if the Legislature chooses to create one) to adopt regulations governing marijuana-related entities and then regulate the newly formed industry. The ABC Board has nine months from the effective date, which is 90 days after certification of the act by the elections division, to develop the regulations. The ABC Board will follow the intent of the initiative and state requirements for the development of new regulations.

PERSONAL USE QUESTIONS:

▼ What is the timeline for implementation of the proposition?

- November 4, 2014** – Statewide election held. Ballot Measure 2 passes 53% to 47%.
- November 24, 2014** – Vote certified by Division of Elections. Statutes will be enacted by operation of law 90 days later.
- January 20, 2015** – Legislature gavel in. Multiple bills related to the marijuana industry are anticipated.
- February 24, 2015** – Statutes are enacted. The nine month deadline for developing regulations begins.
- April 19, 2015** – Legislature scheduled to adjourn.
- November 24, 2015** – Deadline for the board to adopt regulations; if not adopted by this date, local governments have the option of establishing their own regulations. Final regulations package submitted to the Governor's Office and Department of Law for review and approval.
- February 24, 2016** – Board must start accepting applications and must act on them within 90 days of receipt of application. If the board has not adopted regulations, applications may be submitted directly to local regulatory authorities.
- March 26, 2016** – Tentative effective date of regulations; effective date will be 30 days after the Lt. Governor's Office files the approved regulations.
- May 24, 2016** – Initial marijuana industry licenses expected to be awarded.

This Page Intentionally Left Blank

Alex Strawn

From: Edward M. Jenkin <Edward.Jenkin@mea.coop>
Sent: Saturday, December 05, 2015 10:47 AM
To: Alex Strawn
Cc: Brenda Henry; Edward M. Jenkin; Julie Estey
Subject: RE: Draft Marijuana Facilities Land Use CUP

Please see my notes below in red. I appreciate your help on this and what you indicated in your first paragraph below. I was not aware that the changes to the notification process were separate from the changes to the permit process. We will work with whatever is approved.

Let me know when the public meeting is and I will try to attend.

Ed Jenkin, P.E.
Senior Power Systems Engineer
Matanuska Electric Assoc.
(907) 761-9346

From: Alex Strawn [mailto:Alex.Strawn@matsugov.us]
Sent: Wednesday, December 02, 2015 11:35 AM
To: Edward M. Jenkin
Cc: Brenda Henry
Subject: RE: Draft Marijuana Facilities Land Use CUP

Hi Edward,

We maintain a list of agencies that would like to be notified of particular types of conditional use permits. I will add MEA to the list of agencies that gets notified of applications for marijuana cultivation facilities. Please specify the name and address of a particular division or employee that should be the recipient of such notifications.

Director of Engineering
Matanuska Electric Association
P.O. Box 2929
Palmer, Alaska 99645

I will forward your request to ensure adequate power capacity to the Planning Commission for their consideration. However, the commission is limited to regulating land impacts on surrounding neighbors. Is there a situation where failure of a grow facility to have adequate power capacity will affect the surrounding properties or the public as a whole?

If a facility is electrically connected where there are insufficient electrical infrastructure it could result in excessive voltage flicker, reduced voltage to the surrounding area, or even the failure of a portion of the power delivery system. These could all impact the surrounding utility members.

For new facilities MEA requires information from the potential member so we can analyze the capability of the existing electrical infrastructure to meet to requirements of the new business/residence. If there is not adequate power capacity then MEA would require facilities to be upgraded prior to the connection of permanent power.

Our concern is that if an individual is repurposing an existing facility where power is already connected, they may not understand the limitations of the existing electrical infrastructure. It would be better for all concerned if before significant expenditures were incurred by a potential cultivation facility (possibly resulting in conductor or transformer failure due to overload) that there was a determination of the power system capacity at the proposed site. I understand from your e-mail that you have regulatory/legal limitation. But whatever you can do to encourage/force an applicant to contact their electrical utility early in the process, is appreciated.

As written, all cultivations facilities are limited to 5,000 square feet regardless of whether the operation takes place indoors or outdoors.

We will communicate this to the one individual who is inquiring about service to a 39 acre parcel.

Alex Strawn

Development Services Manager
Matanuska-Susitna Borough
350 E. Dahlia Palmer, AK 99645
(907) 861-7854

From: Brenda Henry
Sent: Tuesday, November 24, 2015 2:30 PM
To: Alex Strawn
Subject: FW: Draft Marijuana Facilities Land Use CUP

What do you have to say about the below? Thinking it was you that he talked to.

From: Edward M. Jenkin [<mailto:Edward.Jenkin@mea.coop>]
Sent: Monday, November 23, 2015 1:35 PM
To: Brenda Henry
Cc: Julie Estey
Subject: RE: Draft Marijuana Facilities Land Use CUP

Brenda:

Thank you for the draft. As you are aware indoor marijuana cultivation facilities tend use a significant amount of electricity. My concern is that a facility could be permitted in an area where the electrical system is not sufficient to meet the power requirement. Last I discussed this issue with one of your co-workers, it was indicated that there was some means by which MEA would get notified of a potential facility early in the process. What I am looking for is some way the permit process can require the permittee to contact the electric utility prior to the permit being acquired. One option is to add a 17.60.160 (F) that that requires a letter from the applicable electric utility stating that power capacity at the proposed location is sufficient for the intended use. This is from the proposed MOA ordinance. I am sure that there are other options as well.

Also, we have an inquiry from a firm that is looking to purchase a 39 acre parcel for an agricultural facility with a two to four megawatt load. As I understand that the draft ordinance for marijuana cultivation facilities would be limit such facilities to 5,000 square feet, thereby eliminating the potential for outdoor grow operations. Is this correct?

Thank you again

Ed Jenkin, P.E.
Senior Power Systems Engineer

From: Brenda Henry [<mailto:brenda.henry@matsugov.us>]
Sent: Monday, November 23, 2015 10:48 AM
To: Edward M. Jenkin
Subject: Draft Marijuana Facilities Land Use CUP
Importance: High

Hi Ed:

Per our conversation, the legislation is due to go before the Assembly for referral to the Planning Commission on December 15, 2015. On that date, I will have a better handle on the timeframe of when it will come back from the Planning Commission to the Assembly.

If you have any questions, please let me know.

Thank you.

Brenda J. Henry, CMC
Assistant Clerk
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer, AK 99645
www.matsugov.us
brenda.henry@matsugov.us
861-8684 direct line
861-7845 fax

“All great deeds and all great thoughts have a ridiculous beginning.” ~ Albert Camus

This Page Intentionally Left Blank

LAND USE CLASSIFICATION

Resolution 16-04

Classification of a Borough-owned Parcel In the Point MacKenzie Community

(Page 75 – 104)

LAND USE CLASSIFICATIONS

**MATANUSKA-SUSITNA BOROUGH****Community Development Department**

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 745-9869 • Fax (907) 745-9635

E-mail: lmb@matsugov.us**MEMORANDUM**

DATE: December 3, 2015

TO: Matanuska-Susitna Borough Planning Commission

THRU: Eric Phillips, Community Development Director *EP*

FROM: Emerson Krueger, Land Management Specialist *EK*

FOR: Planning Commission Agenda of January 4, 2016
MSB007127

Land and Resource Management respectfully requests Planning Commission review and approval of a resolution recommending assembly approval of a land classification for a borough parcel Tax ID 16N04W36D005 as "reserve use" for a future public park, library, and community center.

Attachments:

Vicinity map (1 pp)

Best Interest Finding (3 pp)

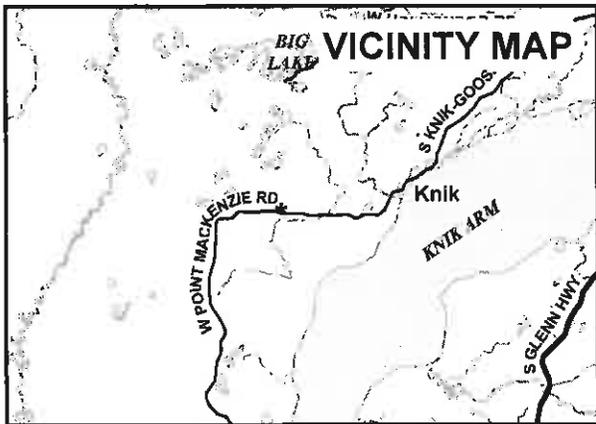
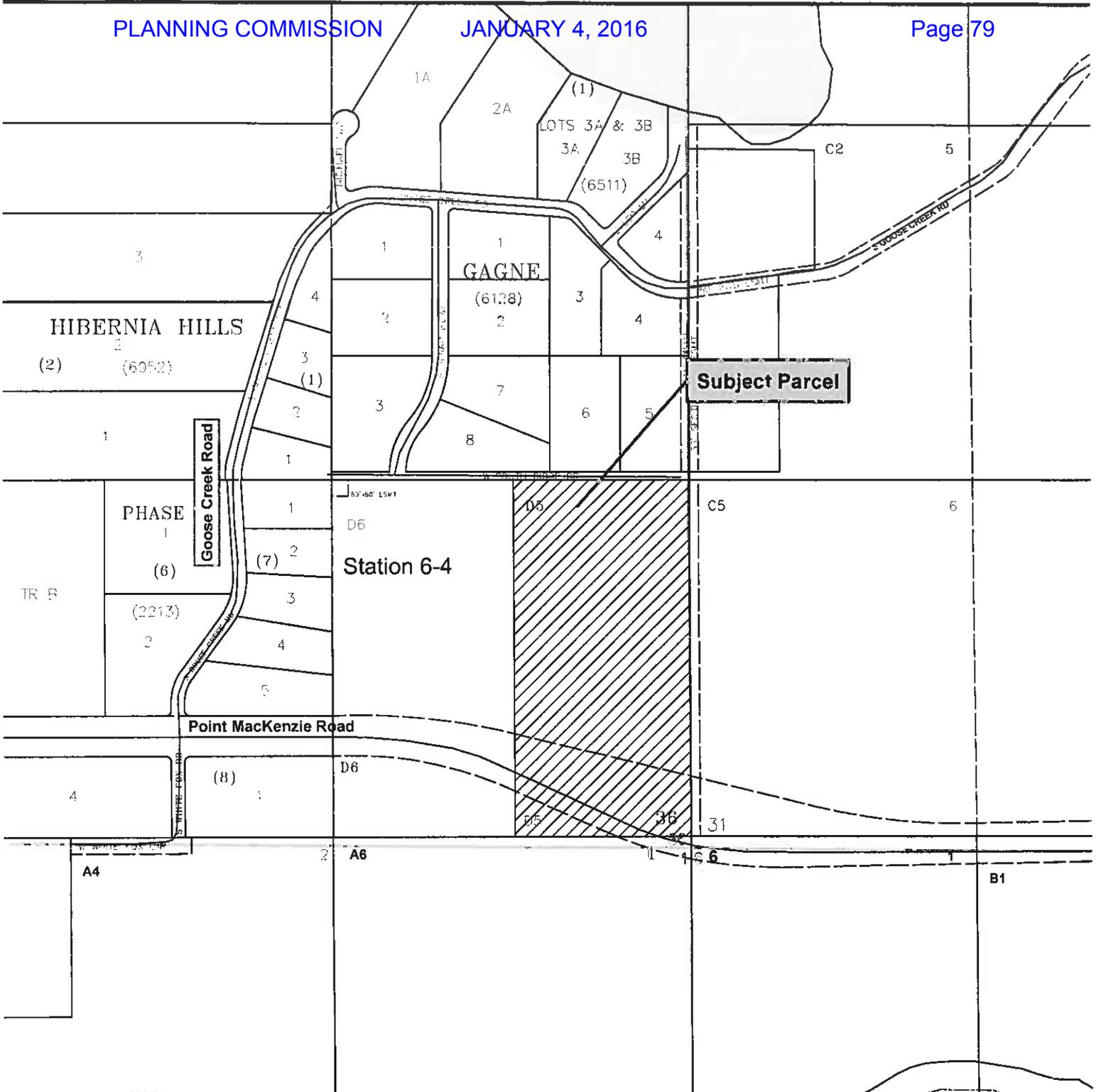
Point MacKenzie Community Council Resolution Serial No. 15-003 (2 pp)

Public Comments (12 pp)

Draft Assembly Ordinance (3 pp)

Planning Commission Resolution Serial No. 201~~5~~⁶-04 (2 pp)

This Page Intentionally Left Blank



MSB #007127
Proposed Classification
Reserve Use

S T16N R04W Sec. 36 Tax Map GB 06

MSB/LRMD October, 2015

This Page Intentionally Left Blank

PRELIMINARY BEST INTEREST FINDING
For the
Classification of Borough-owned Land

I. Summary of Proposed Action

The Point MacKenzie Community Council Park Development Committee has requested the classification of tax parcel 16N04W36D005 to Reserved Use, for purpose of a proposed community park, future community center, and future library. The parcel contains a total of 17.7 acres and is located north of Point MacKenzie Road at about mile post 3.5.

II. Property Site Factors

- A. Location: The subject parcel is bounded on the east and west by borough-owned property, north by residential lots and south by Point Mackenzie Road right-of-way.
- B. Legal Description:
Tax parcel D005: East ½ Southeast ¼ Southeast ¼ of Section 36, Township 16 North, Range 4 West, SM, AK., containing 17.7 acres more or less.
- C. Land Status: Acquired by Patent 1949, Book 85, Page 638, recorded 7/26/74, Palmer Recording District.
- D. Restrictions:
1. Current Land Classification – None.
 2. Land Use Plans – The subject parcel lies within the Point MacKenzie Planning Area. The Point MacKenzie Comprehensive Plan does not specify any future use for the subject parcel.
 3. Title Restrictions - None
 4. Covenants – None
 5. Zoning – None
 6. Easements & Other Reservations – There is a 200 ft. easement along Point MacKenzie Road which crosses the southern portion of the subject parcel.
- E. Current Land Use: There is no current land use of the parcel.
- F. Surrounding Land Use: Other properties in this area are currently either undeveloped, being used for residential purposes, or for a public safety building.
- G. Existing Infrastructure: None.

- H. Soils & Terrain: According to the USDA Natural Resources Conservation Service Soil Survey of the Matanuska-Susitna Valley Area, soils for the subject parcel include histosols and steep and sloping Estelle Silt Loam on roughly half the property and severely limiting for development as well as Estelle Silt Loam, which is suitable for building and road construction.
- I. Resources: There is no specific data on resources for this parcel.
- J. Assessments: The 2015 assessed land value for the subject parcel is \$3,502/acre (\$62,000).

III. Public, Board and Commission Comments & Recommendations

In accordance with Title 23 and the Land Management Policy and Procedure Manual, landowners within 660 feet of the proposed property have been notified of the proposed land classification. Additionally, notice was sent to the president and secretary of the Point MacKenzie Community Council, the Parks, Recreation & Trails Advisory Board, and local Road Service Area and Fire Service Area boards were also asked to comment. Notice was published in the Frontiersman, posted in the post office and on the Borough website. The 30-day public notice process was completed on November 30, 2015.

There have been eight comments received from the public. Seven comments were in support and one comment was opposed. The comments provided in opposition to the classification focused on the small resident population in the area and the development challenges with the proposed site.

There have been no objections from any borough departments, the Community Council, or local RSA/FSA advisory boards.

The MSB Parks, Recreation and Trails Advisory Board was provided notice of the proposal and no objections have been received.

IV. Analysis & Discussion

The subject parcel is currently unclassified. The proximity of the parcel to the existing public safety building will facilitate the gradual development of the community facilities. The Point MacKenzie Community Council holds nearly all their regular meetings and community functions on the parcel with the public safety building.

The Point MacKenzie Comprehensive Plan includes a public facilities goal to “*Identify, designate, and reserve public land parcels for future public facility development*”. Included under this goal are a community center, library, and parks and playgrounds which are considered suitable uses for the subject parcel.

The borough participated in a Point MacKenzie Community Council Park Subcommittee meeting where alternate sites were discussed. The subject parcel was selected by the subcommittee as the first priority for future public facilities.

The borough is discussing entering into a management agreement with the Point MacKenzie Community Council, to develop a small park on the subject parcel. The management agreement is anticipated to be finalized in 2016. In addition, the council has purchased and stored playground equipment in anticipation of setting it up on the subject parcel.

The small park is likely to cover up to half an acre and may be accessed from the road along the northern boundary of the subject parcel. The remainder of the parcel contains sufficient acreage suitable for future development of a library and a community center. There are topographical features on the property that could make it suitable for future winter and summer pedestrian trails.

Classification as reserved use lands would open up the possibilities and potential for multi-use of this 17.7-acre parcel. Future design could include a community park, library, and community center. As the development phase of the site evolves, discussion will need to take place between the borough and community council regarding ingress/egress issues impacting Point MacKenzie Road. Careful planning, which marries current and future need with public interest, can produce a win-win result.

The Land & Resource Division finds that the proposed classification is in the public's best interest. MSB 23.05.100(A) defines Reserve Use Lands as those lands which have been transferred, assigned or designated for present or future public use, or for use by a government or quasi-judicial government agency, or for future development of new town sites, or for future expansion of existing public uses.

V. Preliminary Administrative Decision

The Community Development Department recommends classification of Reserve Use Lands for Parcel D005, East ½ Southeast ¼ Southeast ¼ of Section 36, Township 16 North, Range 4 West, SM, AK., containing 17.7 acres more or less.

This Page Intentionally Left Blank

**Pt. MacKenzie Community Council
18297 W Pt. MacKenzie Rd
Wasilla, Alaska 99623**

Resolution Serial No. 15-003

A RESOLUTION OF THE PT.MACKENZIE COMMUNITY COUNCIL AUTHORIZING ALL BOARD MEMBERS AS SIGNERS, AND REQUIRING ANY TWO BOARD MEMBERS TO SIGN NECESSARY DOCUMENTS BETWEEN THE POINT MACKENZIE COMMUNITY COUNCIL AND MATANUSKA-SUSITNA BOROUGH AND ANY OTHER ENTITIES, TO COMPLETE THE POINT MACKENZIE COMMUNITY PARK PROJECT.

WHEREAS, the Point MacKenzie Community Council adopted Resolution No 15-001, asking for a community park to be created in our area; and

WHEREAS, on August 18, 2015 , the Point MacKenzie Community Council Park Committee, designated by the Point Mac Kenzie Community Council, voted on preferred parcels, as presented by Mat Su Borough Land Management representative. Preferred parcel being Tax ID# 16NO4W36D005; and

WHEREAS, the Point MacKenzie Community Council wishes to proceed with the Community Park Project; and

Whereas, the Point MacKenzie Community Council has Revenue Sharing and Community Enhancement grant funds to proceed; and

WHEREAS, the Point MacKenzie Community Council plans to work with the Matanuska Susitna Borough and Community Development, as well as any other entities, to accomplish designation of this Mat Su Borough parcel, as the future Point MacKenzie Community Park; and

WHEREAS, the Pt. Mac Kenzie Community Council Resolution 15-001 addresses the issue of safety and necessity of a community park.

NOW, THEREFORE, BE IT RESOLVED, that the Point MacKenzie Community Council authorizes any two board members to sign any necessary documents with the Matanuska Susitna Borough or any other entities involved in the process of creating a community park.

BE IT FURTHER RESOLVED, that Donald Thomson, Gary Foster, Wilma Gonzales, Tammy Hoerauf or Jim Swanson are the Board members authorized to sign any documents, with two signatures required on each document, to complete the Community Park.

Adopted by the Point MacKenzie Community Council this 10th day of Sept, 2015

Donald Thomson

Donald Thomson, President
Pt. MacKenzie Community Council

Attested by Tammy Hoerauf

Tammy Hoerauf, Secretary
Pt. MacKenzie Community Council



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645



NOV 09 2015

14
Point MacKenzie Community Council
18297 W. Pt. MacKenzie Rd.
Wasilla, AK 99623

FIRST CLASS

PUBLIC NOTICE

MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Classification
MSB No.: MSB007127

Tax ID: 16N04W36D005
Tax Map: GB 06

The Matanuska-Susitna Borough (MSB) Land Management Division proposes to classify Lot D5, Section 36, Township 16 North, Range 4 West, as "Reserved Use Lands" for purpose of a future community center, library and, or, a park to serve the Point MacKenzie Community and surrounding areas.

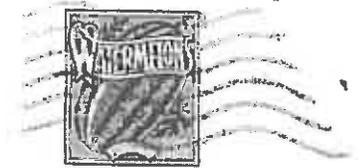
Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **November 30, 2015**. If you have questions about this request: call 745-7869 between 8:00-5:00 or you can send an e-mail to: imb@matsugov.us (PLEASE REFER TO MSB007127 WHEN SUBMITTING COMMENTS).

Comments: As a resident since 1990 and a member of the Pt Mac comm. council, I am in favor of this. I am still raising some of my eight children here, as well, I have grandchildren who live in our community & visit.

Signature: [Handwritten Signature] Phone: 841-2676
Our need for a community center/bldg is long overdue.

(If you need more space for comments please attach a separate sheet of paper.)
For assistance with your property location, tax or assessment matters please call 745-4801.

ANCHORAGE, AK 99501
05 NOV 2015 PM 1 L



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

NOV 09 2015

RECEIVED





MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645



NOV 9 2015

14
Point MacKenzie Community Council
18297 W. Pt. MacKenzie Rd.
Wasilla, AK 99623

FIRST CLASS

PUBLIC NOTICE

MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Classification
MSB-No.: MSB007127

Tax ID: 16N04W36D005
Tax Map: GB 06

The Matanuska-Susitna Borough (MSB) Land Management Division proposes to classify Lot D5, Section 36, Township 16 North, Range 4 West, as "Reserved Use Lands" for purpose of a future community center, library and, or, a park to serve the Point MacKenzie Community and surrounding areas.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **November 30, 2015**. If you have questions about this request: call 745-7869 between 8:00-5:00 or you can send an e-mail to: imb@matsugov.us (PLEASE REFER TO MSB007127 WHEN SUBMITTING COMMENTS).

Comments: *I believe this is the right spot for the Park and it has my approval.*

Signature: *Anna M. [unclear]* Phone: *907-567-1261*
2627 S. Michael Way, Wasilla, AK 99623
(If you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

SEND POSTAGE AND GDS
06 NOV 2015 PM 1 L



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

Matanuska-Susitna Borough
NOV 9 2015
RECEIVED





MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645



54775000L002A 8
HARRIMAN BETTY L
12834 S GOOSE CREEK RD
WASILLA, AK 99623-0640

RECEIVED

NOV 09 2015

FIRST CLASS

Community Development

PUBLIC NOTICE

MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Classification
MSB No.: MSB007127

Tax ID: 16N04W36D005
Tax Map: GB 06

The Matanuska-Susitna Borough (MSB) Land Management Division proposes to classify Lot D5, Section 36, Township 16 North, Range 4 West, as "Reserved Use Lands" for purpose of a future community center, library and, or, a park to serve the Point MacKenzie Community and surrounding areas.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **November 30, 2015**. If you have questions about this request: call 745-7869 between 8:00-5:00 or you can send an e-mail to: imb@matsugov.us (PLEASE REFER TO MSB007127 WHEN SUBMITTING COMMENTS).

Comments: yes I agree to this

Signature: Betty Harriman Phone: 907-376-1257

(If you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

MATANUSKA-SUSITNA BOROUGH
COMMUNITY DEVELOPMENT
LAND MANAGEMENT DIVISION
350 EAST DAHLIA AVENUE
PALMER, ALASKA 99645

MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645





MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645



14

Point MacKenzie Community Council
18297 W. Pt. MacKenzie Rd.
Wasilla, AK 99623

RECEIVED

NOV 06 2015

FIRST CLASS

Community Development

PUBLIC NOTICE

MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Classification
MSB No.: MSB007127

Tax ID: 16N04W36D005
Tax Map: GB 06

The Matanuska-Susitna Borough (MSB) Land Management Division proposes to classify Lot D5, Section 36, Township 16 North, Range 4 West, as "Reserved Use Lands" for purpose of a future community center, library and, or, a park to serve the Point MacKenzie Community and surrounding areas.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **November 30, 2015**. If you have questions about this request: call 745-7869 between 8:00-5:00 or you can send an e-mail to: lmb@matsugov.us (PLEASE REFER TO MSB007127 WHEN SUBMITTING COMMENTS).

Comments: I LIVE IN THE PT. MACKENZIE COMMUNITY AND I HAVE THREE CHILDREN WHO WOULD UTILIZE A PARK, THEREFORE I AM IN FAVOR OF A PARK.

Signature: *Mimi Jane* Phone: (907) 921-2586

(If you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

Matanuska-Susitna Borough

NOV 06 2015

RECEIVED



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645



14
Point MacKenzie Community Council
18297 W. Pt. MacKenzie Rd.
Wasilla, AK 99623

NOV 16 2015

FIRST CLASS

PUBLIC NOTICE

PUBLIC NOTICE

Type: Classification
MSB No.: MSB007127

Tax ID: 16N04W36D005
Tax Map: GB 06

The Matanuska-Susitna Borough (MSB) Land Management Division proposes to classify Lot D5, Section 36, Township 16 North, Range 4 West, as "Reserved Use Lands" for purpose of a future community center, library and, or, a park to serve the Point MacKenzie Community and surrounding areas.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **November 30, 2015**. If you have questions about this request: call 745-7869 between 8:00-5:00 or you can send an e-mail to: lmb@matsugov.us (PLEASE REFER TO MSB007127 WHEN SUBMITTING COMMENTS).

Comments: In 15 years old and I live in the point MacKenzie area and I can't wait for the new community center/park to be built and be able to hangout at because we currently don't have many things in our area.
Signature: Dalynne [Signature] Phone: 907-315-6915

(If you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

ANCHORAGE AK 995

13 NOV 2015 PM 3 T



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

Matanuska-Susitna Borough
NOV 16 2015
RECEIVED





MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645



14
Point MacKenzie Community Council
18297 W. Pt. MacKenzie Rd.
Wasilla, AK 99623

FIRST CLASS

RECEIVED

NOV 10 2015

PUBLIC NOTICE

MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Classification
MSB No.: MSB007127

Tax ID: 16N04W36D005
Tax Map: GB 06

The Matanuska-Susitna Borough (MSB) Land Management Division proposes to classify Lot D5, Section 36, Township 16 North, Range 4 West, as "Reserved Use Lands" for purpose of a future community center, library and, or, a park to serve the Point MacKenzie Community and surrounding areas.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **November 30, 2015**. If you have questions about this request: call 745-7869 between 8:00-5:00 or you can send an e-mail to: imb@matsugov.us (PLEASE REFER TO MSB007127 WHEN SUBMITTING COMMENTS).

Comments: *I live in the Pt MacKenzie Community and have 5 children who would enjoy the park/community ctr. I am excited they are coming to our area. You all children. This would be an amazing opportunity for our area to have a park!*

Signature: *[Handwritten Signature]* Phone: *907-350-0034*

(If you need more space for comments please attach a separate sheet of paper.)
For assistance with your property location, tax or assessment matters please call 745-4801.

16N04W36D005
13 NOV 2015 PM 1 L



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

Matanuska-Susitna Borough
NOV 16 2015
RECEIVED





MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645



Rec'd 11/2/15

14
Point MacKenzie Community Council
18297 W. Pt. MacKenzie Rd.
Wasilla, AK 99623

NOV 15 2015
FIRST CLASS

PUBLIC NOTICE

MATANUSKA-SUSITNA BOROUGH

PUBLIC NOTICE

Type: Classification
MSB No.: MSB007127

Tax ID: 16N04W36D005
Tax Map: GB 06

The Matanuska-Susitna Borough (MSB) Land Management Division proposes to classify Lot D5, Section 36, Township 16 North, Range 4 West, as "Reserved Use Lands" for purpose of a future community center, library and, or, a park to serve the Point MacKenzie Community and surrounding areas.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **November 30, 2015**. If you have questions about this request: call 745-7869 between 8:00-5:00 or you can send an e-mail to: imb@matsugov.us (PLEASE REFER TO MSB007127 WHEN SUBMITTING COMMENTS).

Comments: It is probably a good idea to build something
out here for kids & families to use.

Signature: [Handwritten Signature] Phone: 907 414 1597

(If you need more space for comments please attach a separate sheet of paper)
For assistance with your property location, tax or assessment matters please call 745-4801.

AND UNDELIVERED MAILBOX
13 NOV 2015 PM 3 L



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

Matanuska Susitna Borough
NOV 16 2015
RECEIVED



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645



56128B02L002 4
BANBURY PATRICK A
12851 S VIVIAN BLVD
WASILLA, AK 99654

FIRST CLASS

PUBLIC NOTICE

MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Classification
MSB No.: MSB007127

Tax ID: 16N04W36D005
Tax Map: GB 06

The Matanuska-Susitna Borough (MSB) Land Management Division proposes to classify Lot D5, Section 36, Township 16 North, Range 4 West, as "Reserved Use Lands" for purpose of a future community center, library and, or, a park to serve the Point MacKenzie Community and surrounding areas.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **November 30, 2015**. If you have questions about this request: call 745-7869 between 8:00-5:00 or you can send an e-mail to: lmb@matsugov.us (PLEASE REFER TO MSB007127 WHEN SUBMITTING COMMENTS).

Comments: See all comments to MSB007127 on attach sheet.

Signature: Patrick A Banbury Phone: 907-354-5107

(If you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 745-4801.

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645



56128B02L008 2
BANBURY DEREK J
12851 S VIVIAN BLVD
WASILLA, AK 99654

FIRST CLASS

PUBLIC NOTICE

MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Classification
MSB No.: MSB007127



Tax ID: 16N04W36D005
Tax Map: GB 06

The Matanuska-Susitna Borough (MSB) Land Management Division proposes to classify Lot D5, Section 36, Township 16 North, Range 4 West, as "Reserved Use Lands" for purpose of a future community center, library and, or, a park to serve the Point MacKenzie Community and surrounding areas.

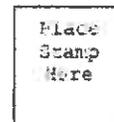
Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **November 30, 2015**. If you have questions about this request: call 745-7869 between 8:00-5:00 or you can send an e-mail to: imb@matsugov.us (PLEASE REFER TO MSB007127 WHEN SUBMITTING COMMENTS).

Comments: See all comments to MSB 007127 on attach sheet.

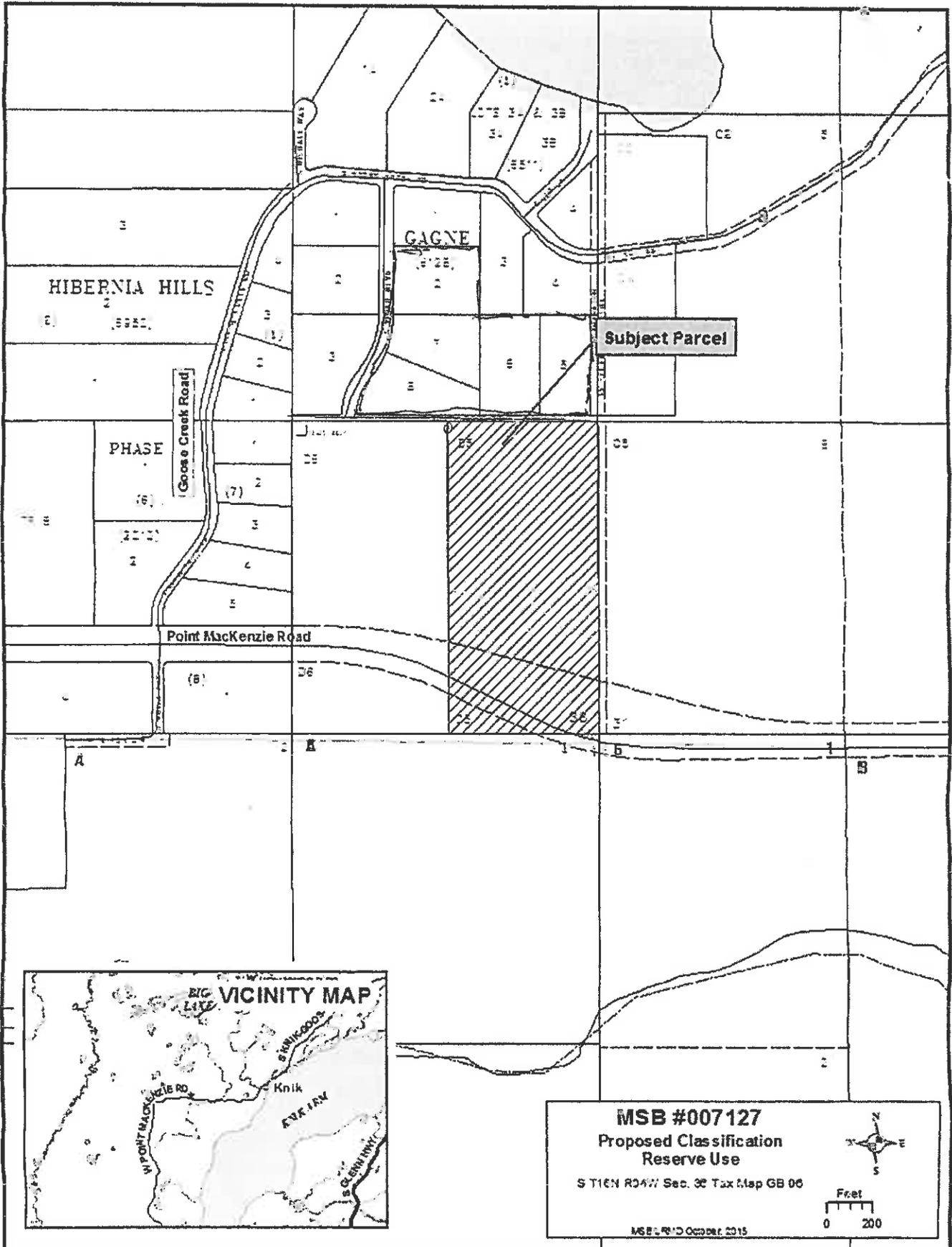
Signature: Phone: 354-5147

(If you need more space for comments please attach a separate sheet of paper.)
For assistance with your property location, tax or assessment matters please call 745-4801.

12/3/15 - MSB Staff Note - The following letter was submitted three times.



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645



Attn: MSB Land Management Division

Re: Public Notice for MSB 007127; Lot D5, Section 36, Township 16 North, Range 4 West. Future
Community Center/Library/Park Facility

Commentary on the Public Notice: As 30 plus year residents of the Point Mackenzie area, more specifically the Gagne Subdivision on Goose Creek Road, it is curious that such a project is even being considered, for numerous reasons.

First, previous attempts to build local schools have failed on more than one occasion. The lack of a steady and growing population has always led to a varying degree of attendance and interest. Even previous projects, including the prison, prison camps, farms and the port, have failed to bring any growth to the area. Nearly all of the prison and port employees commute from other areas of South Central, and do not live in the area.

Second, the population has nary increased in the last 35 years, since my family first moved into the area. Despite recent growth in the Wasilla/Palmer area, a majority of people still do not make it much further than the Settlers Bay Subdivision on Knik Road. We spent years riding a school bus that contained approximately 10 students, from as young as grade school up to high school age, simply because the Borough, the same one attempting to elicit this project, deemed it unnecessary to provide three busses to such a small population.

Since nearly every bit of the growing population in the Wasilla area does not come close to reaching the Point Mackenzie area, and must transit into or through Wasilla for the majority of their daily needs, little to none of the population would seemingly drive approximately 20 plus minutes out of their way to visit a community center or playground. Especially since it would be more easily accessible in Wasilla, a place in which they already visit on a consistent basis.

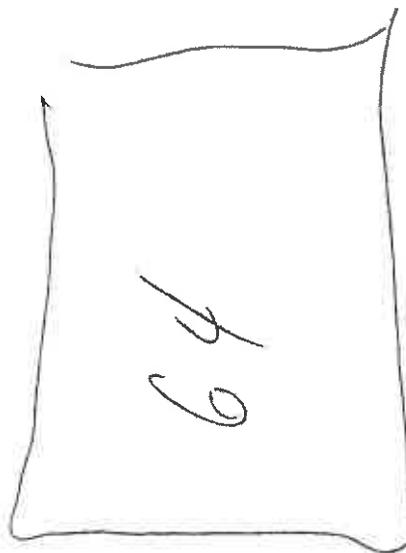
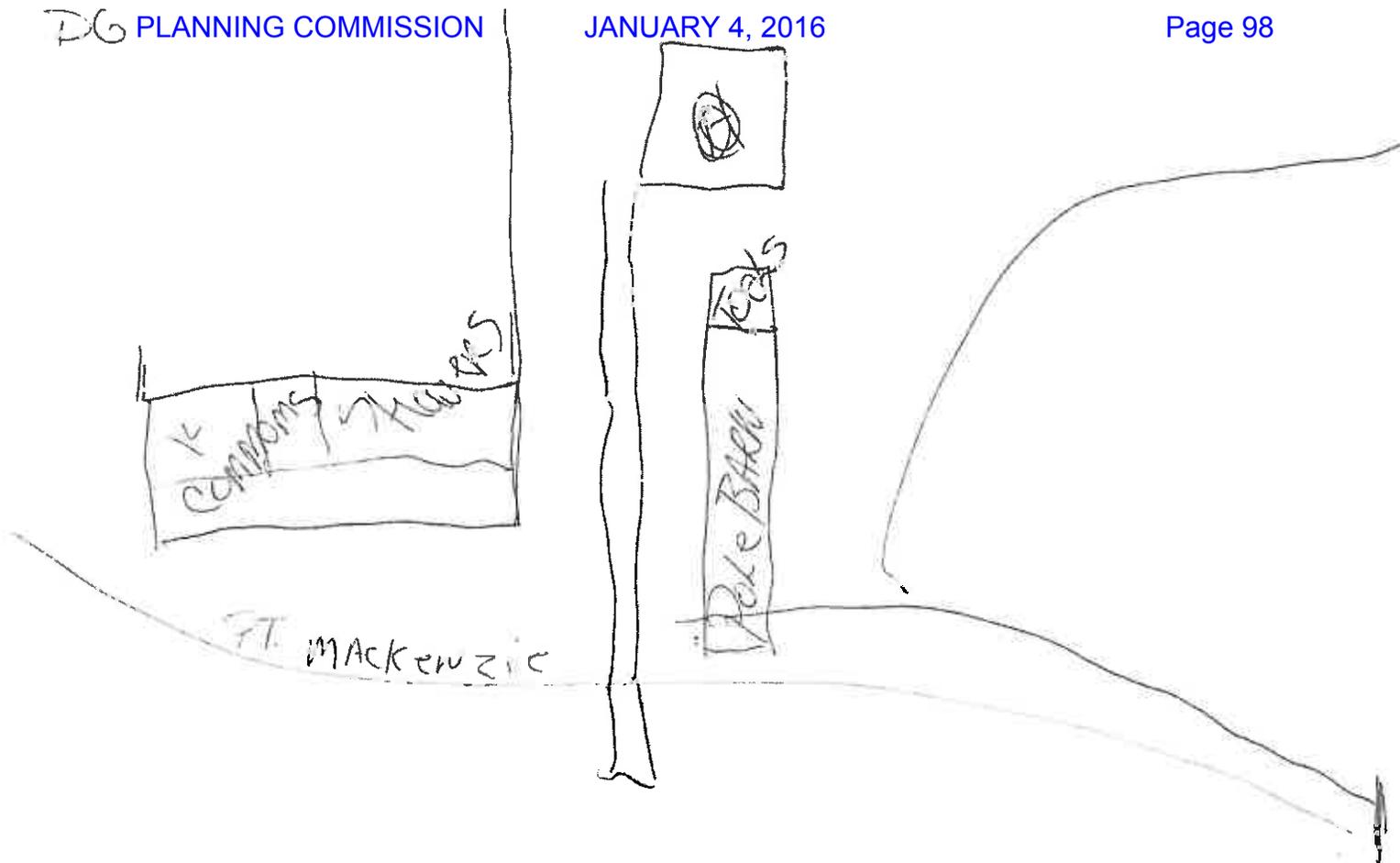
The project appears to be simply a pipe dream with no logical reason for existence. It's like building a skyscraper in bush Alaska and thinking people will come simply because you built it there. This is not Field of Dreams, and people will not come if you build it. The property in which the project is being considered for is largely muskeg on the front half, which would require considerable resources and excavation to redeem for any facility construction.

This project is truly a misappropriation of funds that could be better invested in road infrastructure, like the Knik-Goose Bay expansion to handle the growing traffic load, and continue to improve the local elementary schools and fire/EMS facilities. All of which is not only an immediate need, but will help to better prepare the region in the correct areas where the actual growth is occurring.

Thank you for allowing us this opportunity. If you have any questions of concerns, please feel free to contact us at nathanbanbury@yahoo.com or at 907-982-1210.

Sincerely,

The Banbury Family



J. [unclear]

NON-CODE ORDINANCE

By: Borough Manager
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-_____**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE LAND CLASSIFICATION OF BOROUGH PARCEL TAX ID 16N04W36D005, WITHIN TOWNSHIP 16 NORTH, RANGE 04 WEST, SECTION 36, SEWARD MERIDIAN, ALASKA, AS "RESERVE USE LANDS" FOR A FUTURE PARK, LIBRARY, AND COMMUNITY CENTER. (MSB007127)

WHEREAS, classification of Borough lands for reserved use is consistent with the Borough's goal to provide future public facilities throughout the borough; and

WHEREAS, the Point MacKenzie Community Council has identified this parcel as a centrally located property in an area suitable for future public facilities; and

WHEREAS, the Matanuska-Susitna Borough obtained title to the property via Patent 1949, recorded July 26, 1974 in Book 85, Page 638, Palmer Recording District; and

WHEREAS, under MSB 23.02.100(A)(13) Reserved Use Lands are those lands which have been transferred, assigned, or designated for present or future public use, or for use by a government or quasi-government agency, or for future development of new town sites, or for future expansion of existing public uses; and

WHEREAS, classifying the parcel as Reserved Use Lands will retain the property for public use; and

WHEREAS, the parcel has undergone departmental review and comments have been requested from the public, Point MacKenzie Community Council, District Assembly Member, MSB Parks, Recreation & Trails Advisory Board, local road and fire service area advisory boards, and the area Fire Chief.

BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.

Section 2. Land Classification. The Matanuska-Susitna Borough Assembly does hereby approve the land classification of Reserved Use Lands on the following described parcel:

Tax Parcel 16N04W36D005 East $\frac{1}{2}$ Southeast $\frac{1}{4}$ Southeast $\frac{1}{4}$ of Section 36, Township 16 North, Range 4 West, SM, AK., containing 17.7 acres more or less, according to Patent 1949 filed in the Palmer Recording District on July 26, 1974, Book 85, Page 638.

Section 3. Effective Date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this ____
day of _____, 2016.

Vern Halter, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

This Page Intentionally Left Blank

By: Emerson Krueger
Land Use Classification: January 4, 2016
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION SERIAL NO. 16-04**

A RESOLUTION OF THE MATANUSKA-SUSITNA PLANNING COMMISSION RECOMMENDING THE ASSEMBLY CLASSIFY A BOROUGH-OWNED PARCEL, TAX ID 16N04W36D005, LOCATED IN THE POINT MACKENZIE COMMUNITY, CONTAINING 17.7 ACRES, AS RESERVED USE LANDS FOR A FUTURE PARK, LIBRARY, AND COMMUNITY CENTER. (MSB007127)

WHEREAS, classification of Borough lands for reserved use is consistent with the Borough's goal to provide future public facilities throughout the borough; and

WHEREAS, the Point MacKenzie Community Council has identified this parcel as a centrally located property in an area suitable for future public facilities; and

WHEREAS, the Matanuska-Susitna Borough obtained title to the property via Patent 1949, recorded July 26, 1974 in Book 85, Page 638, Palmer Recording District; and

WHEREAS, under MSB 23.02.100(A)(13) Reserved Use Lands are those lands which have been transferred, assigned, or designated for present or future public use, or for use by a government or quasi-government agency, or for future development of new town sites, or for future expansion of existing public uses; and

WHEREAS, classifying the parcel as Reserved Use Lands will retain the property for public use; and

WHEREAS, the parcel has undergone departmental review and comments have been requested from the public, Point MacKenzie Community Council, District Assembly Member, MSB Parks, Recreation & Trails Advisory Board, local road and fire service area advisory boards, and the area Fire Chief.

NOW THEREFORE BE IT RESOLVED, that the Matanuska-Susitna Planning Commission does hereby recommend that borough-owned parcel Tax ID 16N04W36D005, located in the Point MacKenzie Community, be classified as Reserved Use Lands for the purpose of a future park, library, and community center.

JOHN KLAPPERICH, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

**PUBLIC HEARING
LEGISLATIVE**

Resolution No. 16-03

MSB Title 43, Subdivisions
Amendments Addressing Inconsistencies

(Page 105 - 136)

PUBLIC HEARING



Planning and Land Use Department
 350 East Dahlia Avenue • Palmer, AK 99645
 Phone (907) 745-9833 • Fax (907) 745-9876
 www.matsugov.us • planning@matsugov.us

MEMORANDUM

Date: December 8, 2015

Public Hearing: January 4, 2016

TO: Planning Commission

FROM: Eileen Probasco, Planning Director 

SUBJECT: **Resolution 16-03:** A resolution recommending Assembly approval of proposed amendments to Title 43, Subdivisions, to address Inconsistencies outlined by the Planning Department staff memorandum dated March 1, 2013.

On April 17, 2012 the Borough Assembly approved Ordinance 12-072, repealing Title 27, and adopting MSB Title 43, Subdivisions. At the time of adoption, the assembly requested that staff work with the code for a period of time and bring any suggested changes back to the assembly for consideration.

On March 1, 2013, platting division staff prepared a report summarizing their review, and breaking down proposed amendments into four areas:

- **HOUSEKEEPING** – routine tasks that must be done in order for a system to function efficiently
- **PROCEDURAL** – relating to the administration of the code by platting staff,
- **INCONSISTENCIES** – cleaning up contradictory elements or those that lack compatibility with other sections of the code
- **SUBSTANTIAL** – items that are substantial policy changes which the assembly may want to discuss or have more input on.

The platting board, planning commission and Assembly have reviewed and adopted amendments to Title 43 to address concerns outlined in the Housekeeping and Procedural sections of the report. Since that time, other amendments have been considered. The platting board has been working with platting staff during their meetings to address the third section of that report, INCONSISTENCIES. On November 20, 2015, the platting board adopted their Resolution 15-145, Recommending planning commission and assembly approval of amendments to address those INCONSISTENCIES.

RECOMMENDATION:

Staff recommends the commission approve Resolution 16-03, recommending assembly approval of proposed INCONSISTENCIES amendments to Title 43, Subdivisions.

This Page Intentionally Left Blank

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD RESOLUTION SERIAL NO. 15-145**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLATTING BOARD ON
INCONSISTANCIES WITHIN TITLE 43, SUBDIVISIONS.

WHEREAS, ON April 17, 2012 the Borough Assembly approved Ordinance 12-072, repealing MSB Title 27, and adopting MSB Title 43, Subdivisions. At the time of adoption, the assembly requested that staff work with the code for a period of time and bring any suggested changes back to the assembly for consideration; and

WHEREAS, on March 1, 2013, Platting Division staff prepared a memorandum summarizing their review and breaking down proposed amendments into four areas: housekeeping, procedural, inconsistencies, and substantial; and

WHEREAS, amendments were drafted and adopted dealing with housekeeping and procedural changes to Title 43

WHEREAS, amendments have been drafted to address inconsistencies in Title 43; and

WHEREAS, notice of public hearing for the ordinance amendments was published; and

WHEREAS, the Platting Board heard testimony for or against the request and considered the merits of the proposed language; and

WHEREAS, the Platting Board understood these amendments are not causing excessive costs, time, or requirements; and

WHEREAS, the Platting Board approved the requested amendments to Title 43; and

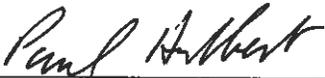
NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Platting Board respectfully requests that the Planning Commission approve amendments to address inconsistencies within Title 43 and forward to the Assembly for adoption.

ADOPTED by the Matanuska-Susitna Borough Platting Board this 19th day of November, 2015.



 DIANA SORENSEN, Chair

ATTEST



 PAUL HULBERT, Platting Officer

(SEAL)



YES: Jay Van Diest, Diana Sorensen, Stan Gillespie, Marty Van Diest, Gregory Pugh

NO:

CODE ORDINANCE

Sponsored by: Assemblymember

Introduced:
Public Hearing:
Action:**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 15-_____**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
MSB 43, SUBDIVISIONS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of subsection. MSB 43.05.050(B) is hereby amended as follows:

(B) A certificate to plat or a preliminary commitment for title insurance prepared by a title company is to be submitted with an application for a vacation, abbreviated plat, preliminary plat, public use easement, waiver, or 40-acre exemption. The title report must be current within 120 days of submittal of the application.

Section 3. Adoption of subsection. MSB 43.05.050(C) is hereby adopted as follows:

(C) The platting action will be unaffected if ownership changes during the platting process; provided, that an updated certificate to plat, or

preliminary commitment to title insurance, is received by the platting division.

Section 4. Amendment of subsection. MSB 43.10.010(A) is hereby amended as follows:

(A) There is established a platting board which, pursuant to A.S. 29.40.080, is delegated the platting function of the borough. The platting board shall hear and decide applications for approval of preliminary plats, variances, public use easements, plat note amendments, and vacations of public interest in accordance with this title.

Section 5. Amendment of subsection. MSB 43.10.060(D) is hereby amended as follows:

(D) The platting authority may approve an application subject to conditions that it finds necessary to implement the purposes of this title. The conditions shall be set forth in the motion and notice approving the application. [COVENANTS, CONDITIONS, AND RESTRICTIONS MAY BE SUBMITTED WITH THE FINAL PLAT FOR RECORDATION.]

Section 6. Adoption of subsection. MSB 43.10.065(G) is hereby adopted as follows:

(G) Notice of right-of-way, public use easement, section line easement or RS-2477 easement vacation requests shall be posted and maintained by the applicant 30 days prior to the public hearing. The notices shall state the date, time, and place of the public hearing and be located in a manner clearly visible to the public. These notices must be posted along the boundary of the property at all common points of access to that portion of the easement or right-of-way that is subject of the application. The notices shall be in the format approved by the platting officer. The applicant shall submit an affidavit verifying that this posting has been made.

Section 7. Amendment of subsection. MSB 43.15.012(D) is hereby amended as follows:

(D) The decision of the platting officer in this matter is final unless appealed in accordance with MSB 43.35. [TO THE PLATTING BOARD IN WRITING WITHIN TEN DAYS.]

Section 8. Repeal of subsection. MSB 43.15.012(E) is hereby repealed in its entirety:

[(E) THE APPLICANT MAY APPEAL THE DECISION OF THE PLATTING BOARD TO THE BOARD OF ADJUSTMENT AND APPEALS IN ACCORDANCE WITH MSB TITLE 15.]

Section 9. Amendment of subsection. MSB 43.15.016(D) is hereby amended as follows:

(D) The statutory 60-day period for approval or nonapproval begins on the date the application is accepted for [APPROVAL] public hearing.

Section 10. Amendment of subsection. MSB 43.15.021(A) is hereby amended as follows:

(A) Prior to acceptance by the borough and recordation, the offeror for a public use easement shall submit a legal description of the proposed easement together with a drawing depicting the location of the proposed easement. If the proposed easement is in the form of a metes and bounds description, the description shall be submitted under the seal of a registered land surveyor. In lieu of a written legal description, a drawing showing the location and dimensions of the public use easement under the seal of a registered surveyor shall be submitted.

Section 11. Amendment of subsection. MSB 43.15.021(B) is hereby amended as follows:

(B) The legal description or drawing shall be reviewed for accuracy and completeness. If discrepancies are found, the offeror shall be notified of the discrepancies and shall resubmit the application for approval.

Section 12. Adoption of subsection. MSB 43.15.021(G) is hereby adopted as follows:

(G) In acting on applications under this section the platting authority shall use the standards and procedures of MSB 43.10.060. Public noticing shall be in accordance with MSB 43.10.065.

Section 13. Amendment of section. MSB 43.15.022 is hereby amended as follows:

(A) Those portions of this title specifically addressing the preparation, submission for approval, and recording of a plat shall not apply to waiver subdivisions for which the preparation, submission for approval, and recording of a plat has been waived, upon proof that:

(1) the applicant for approval of the plat waiver proves that the road utilized for access meets

the following minimum requirements, unless the state or local government has accepted responsibility for construction and maintenance:

(a) Roads shall be constructed to a residential standard unless superseded by other provisions elsewhere within this title;

(b) The roadway, including any slopes, cuts, and fills actually used for access, is located entirely within the easement or right-of-way dedicated to the public or over other legal access, as defined [IN THE MATANUSKA-SUSITNA BOROUGH SUBDIVISION CONSTRUCTION MANUAL] in MSB 43.20.120.

(c) If a waiver is proposed along an existing maintained borough road, the petitioner shall not be required to upgrade said road;

(2) each lot or tract created is five acres in size or larger and the waiver of subdivision requirements will create no more than four parcels, an unlimited number of waivers from the original parent parcel are allowed;

(3) no dedication of public right-of-way, easement or other public area is required;

(4) proof has been submitted demonstrating that reasonable utility easements are provided;

(5) prior to recordation, all parcel corners shall be surveyed and monumented. A record of survey shall be recorded in the State Recording District Office. The survey shall be tied to at least two platted subdivision corners or two aliquot part corners set by the state or federal government, or registered land surveyor, or any combination of the preceding;

(6) each lot or tract shall have legal and physical access to a public highway or street; [AND]

(7) [ALL PARCEL LEGAL DESCRIPTIONS SHALL BE PREPARED AND CERTIFIED BY A REGISTERED LAND SURVEYOR.] The parcels or tracts created can be described by:

(a) aliquot par; or

(b) a metes and bounds description, provided the description is under the seal of a land surveyor; and

(8) the applicant for approval of the plat waiver provides supporting written information

including all soils and engineering data as required by this title.

(B) All waiver requests shall be made to the platting officer and shall be accompanied by:

(1) one completed waiver application form with tax official certification and notarized signature of the owner, and notarized signature of the mortgagee, if applicable;

(2) a neat, legible drawing on a sheet of 8.5-inch by 11-inch paper, or even increment of paper, showing location of markers, recorded easements, improvements, parent parcel boundaries, severed parcel boundaries, arrow indicating north, section, township and range;

(3) a review and reservation, if applicable, of utility easements;

(4) [PROOF OF OWNERSHIP, WHICH SHALL CONTAIN THE PROPERTY DESCRIPTION, AND PROOF OF RECORDED UTILITY EASEMENTS.] The proof of ownership shall be a certificate to plat or a preliminary commitment for title insurance in accordance with MSB 43.05.050. [AN

AFFIDAVIT IN THE FOLLOWING FORM:

AFFIDAVIT OF OWNERSHIP

STATE OF ALASKA)

)SS.

THIRD JUDICIAL DISTRICT)

_____, BEING DULY SWORN, DEPOSES
AND SAYS: _____ (IS, ARE) THE LEGAL OWNER(S),
MORTGAGEES OR CONTACT PURCHASER OF THAT REAL PROPERTY
DESCRIBED AS FOLLOWS

FURTHER, TO THE BEST OF MY (OUR) KNOWLEDGE, THERE
ARE NO RESTRICTIONS, RESERVATIONS OR EASEMENTS UPON
THE PROPERTY WHICH WOULD BE INCONSISTENT WITH THE
REQUESTING AND GRANTING OF THIS WAIVER, WHICH WE NOW
REQUEST.

MORTGAGEE OR CONTRACT SELLER

OWNER OR CONTRACT PURCHASER

MORTGAGEE OR CONTRACT SELLER

OWNER OR CONTRACT PURCHASER]

(5) All waiver subdivision requests shall be submitted to the platting officer for approval. Within ten business days of submittal, the application shall be accepted, or rejected for failure to meet the requirements of the afore subsections.

(C) Public notice of waiver subdivisions shall follow the procedures of MSB 43.10.065, pertaining to actions requiring a public hearing, and written comments on the waiver application shall be accepted. A public hearing is not required for waiver subdivisions.

(D) The decision of the platting officer in this matter is final unless appealed in accordance with MSB 43.35.

Section 14. Amendment of subsection. MSB 43.15.025(D) is hereby amended as follows:

(D) The decision of the platting officer in this matter is final unless appealed in accordance with MSB 43.35. [APPEALS FROM DECISIONS MADE PURSUANT TO THIS SECTION SHALL BE MADE TO THE PLATTING BOARD.]

Section 15. Amendment of section. MSB 43.15.032 is hereby amended as follows:

43.15.032 ELIMINATION OR MODIFICATION OF UTILITY, DRAINAGE, SANITATION, SLOPE, SNOW STORAGE, BUFFER, AND SCREENING EASEMENTS.

A) The platting officer shall review and act upon all [APPLICATIONS] petitions requesting elimination or modification of platted utility, drainage, sanitation, slope, snow storage, buffer, and screening easements; provided, that;

(1) the authority having jurisdiction over the easement consents;

(a) however, if the beneficiary of an easement refuses to authorize a vacation, the platting officer may approve the vacation if the following conditions are met:

(i) there are currently no existing improvements within the subject easement of the easement beneficiary or a portion of the easement will remain which includes the improvements;

(ii) if necessary a substitute easement is provided by document on the plat; and

(iii) findings of facts support granting the vacation;

(2) if the elimination or modification of easement is due to an encroachment, an as-built survey must be submitted with the original [APPLICATION] petition; and

(3) a vacation resolution is recorded along with a graphic representation showing the specific area eliminated and any alternate easements proposed.

(B) In acting on applications under this section the platting officer shall use the standards and the procedures used by the platting board in acting on applications under MSB 43.10.060. The platting officer shall [APPROVE OR DISAPPROVE] act upon the application within 30 [CALENDAR] days of the acceptance [OF THE APPLICATION] for public hearing.

(C) [PROPOSED VACATION WILL BE PRESENTED TO THE BOROUGH ASSEMBLY WITHIN 30 DAYS OF THE DATE OF THE WRITTEN DECISION BY THE PLATTING OFFICER.] Public noticing shall be in conformance with MSB 43.10.065. Notice of platting authority approval shall be sent to the public body having jurisdiction in accordance with MSB 43.10.065.

Section 16. Adoption of subsection. MSB 43.15.035(E) is hereby adopted as follows:

(E) Public noticing shall be in conformance with MSB 43.10.065. Notice of platting authority approval shall be sent to the public body having jurisdiction in accordance with MSB 43.10.065.

Section 17. Repeal of paragraph. MSB 43.15.040(B)(7) is hereby repealed:

[(7) THE APPLICANT FOR A SECTION LINE EASEMENT OR RS-2477 EASEMENT VACATION MUST PLACE A SIGN, NOTIFYING THE PUBLIC OF THE DATE, TIME, AND PLACE OF THE PUBLIC HEARING, AT THE EASEMENT WHERE THE PROPOSED VACATED AREA LIES BETWEEN, 30 DAYS PRIOR TO PUBLIC HEARING. THE SIGN SHALL BE DESIGNATED BASED ON STANDARDS SET BY THE PLATTING DIVISION AND LOCATED IN A MANNER CLEARLY VISIBLE TO THE PUBLIC. THE APPLICANT SHALL SUBMIT AN AFFIDAVIT VERIFYING THAT THIS POSTING HAS BEEN MADE. LOCATION AND FORMAT OF SIGNS SHALL BE DETERMINED BY PLATTING STAFF;]

Section 18. Adoption of subsection. MSB 43.15.040(C) is hereby amended as follows:

(C) Public notice of the vacation shall follow the procedures of MSB 43.10.065. Notice of platting authority approval shall be sent to the public body having jurisdiction in accordance with MSB 43.10.065.

Section 19. Amendment of subsection. MSB 43.15.052(E) is hereby amended as follows:

(E) Restrictive covenants. Covenants, conditions, and restrictions may be submitted with the final plat for recordation. All reservations or restrictive covenants shall be referenced by the book, page, or serial number and recording district on the plat in the following form:

Restrictive covenants were recorded in the _____ recording district on ____, 20__, in book ____, page _____ (or serial number) _____.

Section 20. Amendment of subsection. MSB 43.15.053(E) is hereby amended as follows:

(E) Certificate to plat. Every final plat of a subdivision submitted for recording shall be accompanied by a certificate to plat or a preliminary commitment for title insurance, executed no more than 90 days prior to recording, by a title insurance company, confirming that the title of the land described and shown on the plat is in the name of the person signing the certificate of ownership as it is shown on the plat, or in the name of the corporation as shown in the certificate of ownership.

Section 21. Amendment of subsection. MSB 43.15.053(F) is hereby amended as follows:

(F) Every final plat of a subdivision submitted for recording shall be accompanied by a certificate from the tax collecting official or city treasurer stating that all special assessments and borough real property taxes levied against the property are current [PAID IN FULL. IN THE CASE OF REAL PROPERTY TAXES, IF THE TAXES ARE NOT DELINQUENT, TAXES ARE DEEMED PAID IN FULL WITH RESPECT TO THIS SECTION]. The certificate shall be as follows:

CERTIFICATION OF PAYMENT OF TAXES

I hereby certify that all current taxes and special assessments, through _____, 20____, against the property, included in the subdivision or resubdivision, hereon have been paid.

_____, 20____

Tax Collection Official (Borough)

I hereby certify that all current taxes and special assessments through _____, 20____,

against the property, included in the subdivision or resubdivision, hereon have been paid.

Tax Collection Official (City)

Section 22. Amendment of paragraph. MSB 43.15.070(D)(6) is hereby amended as follows:

(6) [ALL] The decision[S] of the platting officer in this matter [UNDER THIS SECTION ARE] is final unless appealed [TO THE PLATTING BOARD WITHIN TEN DAYS] in accordance with MSB 43.35. An appeal under this subsection is treated as an original subdivision application.

Section 23. Amendment of subsection. MSB 43.20.055(B) is hereby amended as follows:

(B) Remote subdivision access for parcels outside of a road service area. The purpose of this subsection is to allow for recreational use and subdivision of lands outside of road service areas where road access to a proposed remote subdivision is not practicable given the size of the subdivision, the cost of subdividing, assessed value of the property, and the cost of providing access due to the location,

topographical constraints, and terrain, and it is not the desire of the subdivider to have road access, and proposed access is via trails, creeks, rivers, or lakes by snowmobile, on foot, skis, dog team, off-road vehicle, boat, railroad, or airplane. The following legal and physical access requirements apply:

(1) Legal access shall be provided for internal roads or trails to all parcels, and internal [ROADS] rights-of-way shall be a minimum of 60 feet wide. Legal access can be provided for by plat or by a recorded public use easement document, or other public access easement such as a section line easement.

(2) External legal access to a remote subdivision can be provided by any of the following and shall be a minimum of 100 feet wide for terrestrial access to accommodate reroutes of trails within the right-of-way or easement, excepting that for subdivisions of ten lots or less may be 50 feet wide:

- (a) a navigable waterway;
- (b) a float plane accessible lake; [OR]
- (c) an airstrip as approved by applicable agencies including FAA, DOT, or other

agencies; where an airstrip is used, a plat note shall be added that no maintenance or upgrades will be provided by the borough[.]; or

(d) railroad.

(3) Private property rights. Access routes shall not trespass upon private lands, and shall avoid conflicts with adjoining and nearby private properties.

(4) Sufficient land area shall be dedicated for parking at the permanent public access point unless the applicant demonstrates that it is unnecessary to serve the proposed subdivision. Physical improvement shall be made to a required parking area to handle the average number of vehicles using the area at one time, to include clearing and grubbing, a base constructed of suitable soils, and grading and drainage improvements as necessary.

(5) Physical access.

(a) Internal access roads or trails shall be constructible. Internal and external physical trail access shall meet the following minimum standards:

(i) a minimum of ten feet wide;

(ii) avoid wetlands where possible;

(iii) be cleared and grubbed;

(iv) have hardened surface with a minimum of one-foot-thick gravel base or use existing soils where suitable as determined by an engineer;

(v) be shaped to drain;

(vi) provide drainage improvements such as culverts for water crossings and make grading improvements to avoid ponding in low areas:

(aa) when transiting across unavoidable natural features where improvements will be continually inundated by natural forces, a subdivider will not be required as a condition of plat approval to provide improvements that cannot be permanent due to natural circumstances. However, a subdivider must demonstrate why such areas are unavoidable, given the size of the subdivision, the expected disruption to access, and the cost of avoiding such disruption. Except that disruption which is expected to be so frequent as to render the access unusable for any significant part of a season will not be allowed;

(bb) where trails encounter large water crossings such as creeks and rivers and it is not feasible to install culverts or construct a bridge, an open water crossing will be allowed; provided, that it is approved by the agencies having jurisdiction over the waterway and stream bank stabilization improvements are installed where needed;

(vii) for transit across wetland or marshy conditions, installation of approved matting shall be allowed to be substituted for a hardened surface as specified above.

(6) All subdivisions under this section shall have a plat note which reads:

the borough is not responsible for maintenance or upgrades of any access improvements to lots or parcels created under this provision.

Section 24. Amendment of subsection. MSB 43.20.060(C) is hereby amended as follows:

(C) Roads shall be dedicated for access to all lots within the subdivision and parcels of land adjacent to the subdivision except that access to adjoining lands does not have to be provided where legal and constructible alternative access is

available. Dedications shall be a minimum of 60-foot wide and sufficient to carry all traffic generated by the subdivision and to provide residential rights-of-way for projected traffic through the subdivision. 60-foot radius rights-of-way shall be dedicated at temporary and permanent cul-de-sacs.

Section 25. Repeal of paragraph. MSB 43.20.100(D)(2) is hereby repealed:

[(2) ACCESS TO ADJOINING LANDS DOES NOT HAVE TO BE PROVIDED WHERE LEGAL AND CONSTRUCTIBLE ALTERNATIVE ACCESS IS AVAILABLE.]

Section 26. Amendment of subparagraph. MSB 43.20.281(A)(1)(h) is hereby amended as follows:

(h) Where lots, tracts, or parcels exceed five acres in size, the platting authority may accept [A REDUCED NUMBER OF TEST HOLES OR] other supporting information, accomplished under the direct supervision of a state of Alaska registered engineer.

Section 27. Amendment of subparagraph. MSB 43.20.281(E)(1)(a) is hereby amended as follows:

(a) Each non-open space lot in which the lot area was reduced has 10,000 square feet of contiguous usable septic area delineated on the plat,

unless served by a municipal or community wastewater system;

Section 28. Amendment of section. MSB 43.20.300 is hereby amended as follows:

(A) For rural districts, the length of a block shall be not less than 400 feet, no more than 3,000 feet, or less than 800 feet along collector or arterial roads.

(B) No lot under two acres in size shall have an average depth of more than three times the average width, except:

(1) Lots of 40,000 square feet minimum shall have an average width of at least 125 feet when they exceed the three-to-one ratio due to unusable area or natural ground slope exceeding 25 percent;

(2) Lots of 20,000 square feet minimum shall have an average width at least 85 feet when they exceed the three-to-one ratio due to unusable area or natural ground slope exceeding 25 percent grade.

(C) Lots two acres to ten acres may have an average depth of no more than four times its average width.

(1) Lots two to ten acres shall have an average width of at least 125 feet when they exceed the four-to-one ratio due to unusable area or natural ground slope exceeding 25 percent.

(D) Flag lots.

(1) Flag lots are allowed with a maximum pole length of 2,640 feet [AND THE FLAG POLE PORTION SHALL NOT COUNT IN THE WIDTH-TO-LENGTH RATIO].

(a) For poles up to 1,320 feet or upon survey where a one-quarter section aliquot part dimension exceeds 1,320 feet, the width of the pole portion must be a minimum of 30 feet wide and 60-foot road frontage requirement does not apply;

(b) For a pole length greater than 1,320 feet and not exceeding 2,640 feet, the pole width must be a minimum of 60 feet wide.

(c) The flag pole portion shall not count in the average width or the average depth calculations.

Section 29. Amendment of subsection. MSB 43.35.003(A) is hereby amended as follows:

(A) Appeals to the platting board shall be filed within ten [CALENDAR] days of the platting officer's

written decision on abbreviated plats, 40-acre exemptions, waivers, right-of-way acquisition plats, and airport acquisition plats[, AND ELIMINATION OR MODIFICATION OF UTILITY, DRAINAGE, SANITATION, AND SCREENING EASEMENTS].

Section 30. Amendment of subsection. MSB 43.35.005(E) is hereby amended as follows:

(E) If the petition for reconsideration is granted, the platting board shall set the matter on its agenda for rehearing only after notifying all people giving testimony and all people required to receive notice of the original petition under [MSB 43.05] MSB 43.10.065. Parties shall have ten days from the date of notice that a reconsideration hearing has been granted to file written comments and inform the platting division of their intent to participate in the hearing.

Section 31. Effective Date. This ordinance shall become effective upon adoption by the Matanuska-Susitna Borough Assembly.

By: Eileen Probasco
Introduced: December 21, 2015
Public Hearing: January 4, 2016
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-03**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING ASSEMBLY APPROVAL OF PROPOSED AMENDMENTS TO TITLE 43, SUBDIVISIONS, TO ADDRESS INCONSISTENCIES OUTLINED IN THE PLANNING DEPARTMENT STAFF MEMORANDUM DATED MARCH 1, 2013.

WHEREAS, on April 17, 2012 the Borough Assembly approved Ordinance 12-072, repealing MSB Title 27 and adopting MSB Title 43, Subdivisions. At the time of adoption, the assembly requested that staff work with the code for a period of time and bring any suggested changes back to the assembly for consideration; and

WHEREAS, on March 1, 2013, Platting Division staff prepared a report summarizing their review and breaking down proposed amendments into four areas: housekeeping, procedural, inconsistencies, and substantial; and

WHEREAS, amendments have been adopted dealing with housekeeping and procedural changes in the report; and

WHEREAS, the platting board has been working with platting staff to address the inconsistencies outlined in the report; and

WHEREAS, on November 19, 2015 the platting board held a public hearing and adopted Resolution 15-145 recommending planning commission and assembly approval of an ordinance

addressing INCONSISTENCIES outlined in the planning department staff memorandum dated March 1, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends the assembly adopt an ordinance addressing INCONSISTENCIES as outlined in the planning department staff memorandum dated March 1, 2013

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ___, 2016.

JOHN KLAPPERICH, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

CORRESPONDENCE & INFORMATION

(Page 137 - 140)

CORRESPONDENCE & INFORMATION



PLANNING & LAND USE DEPARTMENT
MATANUSKA-SUSITNA BOROUGH

**Planning Division
Monthly
Update**

Volume 2, Issue 2

December 2015

**Where the Planners
Are...**

December

- 1 MSB Assembly Meeting
- 4 AMATS Freight Forum
- 7 MSB Planning Commis-
- 8 City of Wasilla Planning
- 15 MSB Assembly Meeting
- 16 Transportation Adviso-
ry Board Meeting—
Jessica Smith
- 17 City of Palmer Planning
- 21 Planning Commission
- 24- Closed for the Holidays

January

- 6 Governor's Forum on
Housing—Lauren
Driscoll
- 12 City of Wasilla Planning
- 13 Mat-Su Transit Coali-
tion Meeting _ Jessica
Smith
- 20- American Society of
24 Civil Engineers Multi-
Regional Leadership
Conference—Jessica
Smith
- 23 Louise, Susitna, Tyone
Comprehensive Plan
Meeting—Sara Jansen

Inside this issue:

- Environmental Services Award 1
- AKAPA Conference 2

And the Winner Is...

Congratulations to Frankie Barker, MSB's Environmental Planner II and her staff for their work with the **Matanuska-Susitna Salmon Research, Monitoring and Evaluation Plan for Upper Cook Inlet.** The Alaska Chapter of the American Planning Association awarded this project with the Best Environmental Plan in the state of Alaska at this year's annual AKAPA Conference in November.

Over the years, the Matanuska-Susitna Borough (MSB) has taken significant actions to protect fisheries and fish habitat in the region including being a founding member of the Mat-Su Salmon Habitat Partnership, creating the Fish and Wildlife Commission and having an active fish passage program for over a decade. The Fish and Wildlife Commission was successful in organizing public testimony at the 2014 Board of Fisheries meeting to change Cook Inlet management practices to create a conservation corridor for northern salmon stocks.



Accepting the award was Frankie Barker, Environmental Planner and Terry Nininger, Fish and Wildlife Commission Member

Through the efforts of the MSB Assembly and FWC, the State Legislature awarded the Mat-Su Borough a \$2.5 million capital grant for fish protection. The Matanuska-Susitna Salmon Research, Monitoring and Evaluation Plan for Upper Cook Inlet (RM&E) was developed through a unique combination of scientific expertise, volunteer input and public involvement.

Read the Plan Here:

www.matsugov.us/boards/fishcommission.

Did you know...there are six types of salmon. Of these, only one is found in the waters of the Atlantic Ocean. The other five are all located in the waters of the Pacific Northwest and Alaska.



PLANNING & LAND USE DEPARTMENT
MATANUSKA-SUSITNA BOROUGH



Visit us on the web!

www.matsugov.us/department/planning-department

December may seem like a quiet month but, just like Santa's elves, the planners are busy at work getting ready for a new and exciting year of planning in the Mat-Su Borough. We would like to take this opportunity to wish all of the Planning Commissioners a Merry Christmas and a Happy New Year!



**Happy Holidays From
The Long Range Planning Division**

Matanuska Susitna Borough Planning Division

Lauren Driscoll, Chief of Planning.....861-7855
Sara Jansen, Planner II.....861-7865
Jessica Smith, Transportation Planner II.....861-8514
Frankie Barker, Environmental Planner II.....861-8439
Pamela Graham, Grants & Projects Coord.....861-8525
Josette Willcox, Administrative Specialist.....861-8556
Fax Number.....861-7876

**350 E. Dahlia Avenue
Palmer, Alaska
99645**

2015 Alaska State Planning Conference and Awards

Your Planning Division staff participated in valuable trainings, shared information and lessons learned during this year's State Planning Conference, hosted by the Alaska Chapter of the American Planning Association. This event is exceptionally relevant as all the information is based on in-state examples and participation includes over 150 planners, planning commissioners and planning staff from all over Alaska.

A hot topic at this year's conference was the legalization of marijuana. Staff had a chance to talk with and see presentations by Fairbanks North Star Borough, State of Alaska, and Municipality of Anchorage regarding this issue and their new regulations.

Keynote speakers for the conference included Ralph Becker, Mayor of Salt Lake City, Utah, and Patricia Cochran, the Executive Director of the Alaska Native Science Commission.

As a part of the annual conference, a one day workshop is available to planning commissioners. This is regularly held on a Sunday, making it easier for those who work a tradition Monday thru Friday schedule to attend. If any of the MSB Planning Commissioners are interested in attending the whole conference or even just PC training, please let staff know. Attendance is highly encouraged. The PC Training is totally geared toward planning commissioners with great educational and networking opportunities.



MSB Planners Are State-Wide Leaders:

APA Alaska President and 2014 Planner of the Year.....Lauren Driscoll, Chief of Planning, MSB
 Awards Committee Chair and APA Alaska Board Member.....Sara Jansen, Planner II, MSB
 2015 Conference Vice Chair.....Jessica Smith, Planner II, MSB
 2015 Environmental Plan Award WinnerFrankie Barker, Environmental Planner, MSB

COMMISSION BUSINESS
Upcoming PC Agenda Items

(Page 141 - 148)

COMMISSION BUSINESS

MATANUSKA-SUSITNA BOROUGH**Planning and Land Use Department**

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7833 • Fax (907) 861-7876

Email: planning@matsugov.us**MEMORANDUM**

DATE: December 23, 2015

TO: Planning Commissioners

FROM: Eileen Probasco, Director of Planning and Land Use

SUBJECT: Items tentatively scheduled for future PC Meetings or Administrative Actions and Updates on PC items sent to the Assembly

January 18, 2016 (*MSB Assembly Chambers*)**Introduction for Public Hearing Quasi-Judicial***(None)***Introduction for Public Hearing Legislative***(None)***Agency/Staff Reports***(None)***Land Use Classifications***(None)***Public Hearing Quasi-Judicial**

- **Resolution 16-02**, A request for a variance to allow an existing single-family residence to remain set back 14.6 feet from a section line easement on the west side of the lot. The structure is located on Block 2, lot 9, End Of The Rainbow Subdivision; 420 S. Robin Circle; within Township 17 North, Range 2 West, Section 9, Seward Meridian. (*Applicant: Neal and Brenda Bullock, Staff: Susan Lee*)

Public Hearing Legislative

- **Resolution 16-01**, A resolution recommending Assembly approval of an Ordinance amending MSB 17.60, to include permit requirements and standards for marijuana related facilities. (*Staff: Alex Strawn*)

Unfinished Business*(None)***New Business***(None)***Commission Business***(None)*

February 1, 2016 (MSB Assembly Chambers)**Introduction for Public Hearing Quasi-Judicial***(None)***Introduction for Public Hearing Legislative***(None)***Agency/Staff Reports***(None)***Land Use Classifications***(None)***Public Hearing Quasi-Judicial***(None)***Public Hearing Legislative***(None)***Unfinished Business***(None)***New Business***(None)***Commission Business***(None)*

Upcoming PC Actions**Quasi-Judicial**

- Victor Damyan junkyard CUP, 17N02W27B006. (Staff: Susan Lee)
- Rocky Lake Setback Variance. (Applicant: Michael Solmonson, Staff: Mark Whisenhunt)
- Earth Materials Extraction CUP, 18N02W27D009. (Applicant: T&J Gravel, Staff: Susan Lee)
- Trapper Creek Inn Variance, 26N05W29D007. (Staff: Susan Lee)

- Robbs Earth Materials Extraction CUP, 18N02E03B002. (Staff: Mark Whisenhunt)
- Tews Junkyard CUP, 17N03W09A019. (Staff: TBD)

Legislative

- Sign Ordinance: adopting 17.53 Sign Standards (Staff: Alex Strawn)
- Denali State Park SpUD. (Staff: Eileen Probasco)
- Noise and Sound Code Update (Throughout MSB Code): Amendments will make noise and sound requirements more consistent, enforceable, and reasonable. (Staff: Mark Whisenhunt)
- Denali Hwy, MP 99, IMD, T19N, R2W. Section 10 & 15, FM. (Applicant: AKDOT, Staff: Susan Lee)
- Alsop East IMD, 6822000T00A. (Applicant: MSB Land Management, Staff: Susan Lee)
- Happy Heairet IMD, 17N04W25B019. (Staff: Mark Whisenhunt)
- Central Landfill Earth Materials Extraction IMD. (Staff: Mark Whisenhunt)

Other Upcoming Administrative Actions (Not going to the PC)

- Nash/Chijuk Creek NRMU Timber Transportation Permit. (Staff: Susan Lee)
- MEA Lazelle Substation into Herning Substation Public Participation Plan. (Staff: Susan Lee)
- Winding Brook Multi-family Permit. (Staff: Susan Lee)
- Davis Legal Nonconforming Status Determination for a structure. (Staff: Susan Lee)
- Williwaw # 2, Legal Nonconforming Status Determination for a Structure. (Staff: Susan Lee)
- Heritage Park, Legal Nonconforming Status Determination for a structure. (Staff: Susan Lee)
- Trapper Creek Inn, Legal Nonconforming Status Determination for a structure, 26N05W29D007. (Staff: Susan Lee)

PC Decisions Currently Under Appeal

- **Resolution 15-01**, a resolution adopting findings of fact and conclusions of law to support the Planning Commissions failure to approve Resolution 14-33. (CMS appeal of BOAA decision to Superior Court on March 31, 2015)

Updates/Presentations/Work Sessions

- Planning Commission Powers (Staff: Lauren Driscoll, Alex Strawn, and Assistant Borough Attorney)

Updates on PC items going to the Assembly (Pending)

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
<p>Resolution 15-20, A resolution recommending Assembly approval of an Interim Materials District (IMD) in accordance with MSB 17.28 – Interim Materials District, for the extraction of 1,000,000 cubic yards of earth material from a 22-acre site within a 60-acre parcel, located at 22347 S. Watkins Road, Trapper Creek, within Township 26 North, Range 5 West, Section 20, Tax Parcel B008 (26N05WB008), Seward Meridian. (<i>Applicant: Trapper Creek Gravel, Staff Mark Whisenhunt</i>)</p>		ORD # 15-150	IM # 15-236
<p>Actions:</p>	<p>06/01/15 - PC Introduction 06/15/15 – PC Public Hearing – Amended/Approved 12/01/15 – Assembly Introduction 12/15/15 – Assembly Public Hearing – Postponed until 02/02/16 02/02/16 - Pending</p>		

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
<p>Resolution 15-29, a resolution recommending Assembly adoption of the FY2017-2022 Capital Improvement Program. (<i>Staff: Sara Jansen</i>)</p>		ORD # 15-115	IM # 15-240
<p>Actions:</p>	<p>08/03/15 - PC Introduction 08/18/15 – PC Public Hearing – Approved 12/01/15 – Assembly Introduction 12/15/15 – Assembly Public Hearing – Postponed until 1/12/16 01/12/16 - Pending</p>		

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
Resolution 15-35 , A resolution recommending Assembly approval of an Interim Materials District (IMD) in accordance with MSB 17.28 – Interim Materials District, for the extraction of 540,000 cubic yards of earth material from 38.9-acre site within a 120-acre parcel, located within Township 18 North, Range 2 West, Section 24, Tax Parcel D1 (Tax ID 18N02W24D0001), Seward Meridian. (Staff: Mark Whisenhunt, Applicant: B&E Construction)		ORD # 15-__	IM # 15-__
Actions:	09/21/15 - PC Introduction 10/19/15 – PC Public Hearing – Amended/Failed 11/02/15 – Unfinished Business – Reso 15-40 Supporting Denial 01/05/16 – Assembly Introduction 01/19/16 – Assembly Public Hearing		

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
Resolution 15-39 , A resolution recommending the Assembly place a moratorium on the acceptance and processing of applications to dispose of fee simple interests of previously disposed borough agricultural property. (Staff: Glenda Smith)		ORD # 15-039	IM # 15-073
Actions:	03/17/15 – Assembly Introduction 04/07/15 – Assembly Public Hearing – Postponed until 05/05/15 05/05/15 – Assembly Public Hearing – Postponed until 05/27/15 05/27/15 – Assembly Public Hearing – Referred to Ag Board and Planning Commission for 180 days 11/02/15 – PC Introduction 12/07/15 – PC Public Hearing – Amended/Approved 12/15/15 – Assembly Unfinished Business 01/12/16 – Assembly Unfinished Business		

Updates on PC items going to the Assembly (Complete)

None

This Page Intentionally Left Blank